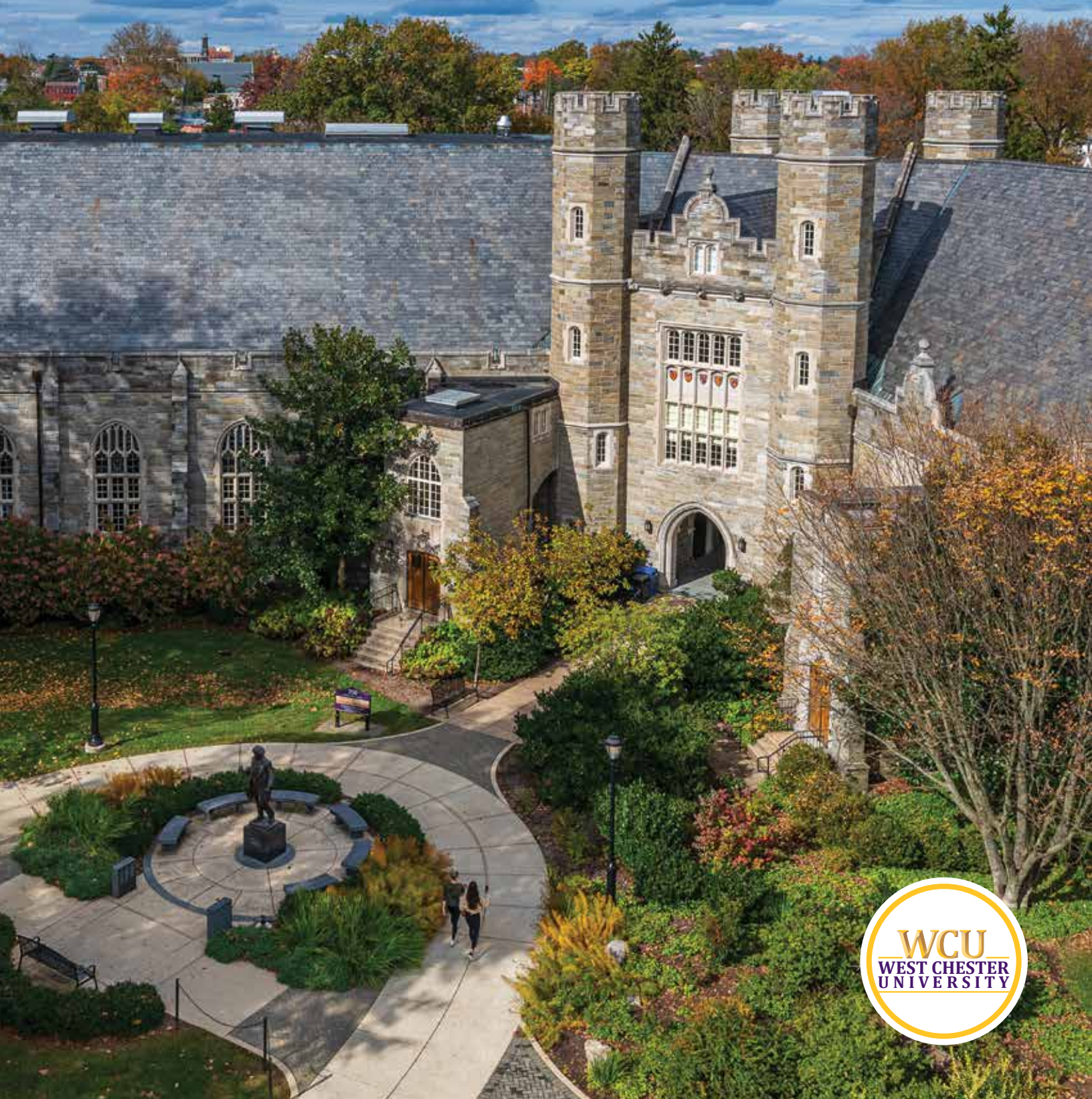


2021 ANNUAL CAMPUS SECURITY & FIRE SAFETY REPORT

INFORMATION FOR THE 2021-2022 ACADEMIC YEAR AND STATISTICS
FOR 2020, 2019 AND 2018





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2021 ANNUAL CAMPUS SECURITY & FIRE SAFETY REPORT

INFORMATION FOR THE 2021-2022 ACADEMIC
YEAR AND STATISTICS FOR 2020, 2019 AND 2018

Introduction

West Chester University of Pennsylvania is a comprehensive, state-owned institution, the largest of the 14 institutions that compose the Pennsylvania State System of Higher Education. The main campus is located in West Chester, Chester County, Pennsylvania approximately 25 miles west of Philadelphia and 17 miles north of Wilmington, Delaware. Residential facilities for the University are located at the main campus only.

West Chester University has a Graduate Center located approximately 4 miles from the main campus at 1160 McDermott Drive in West Goshen Township, Chester County, Pennsylvania. The West Chester University Exton Campus is located approximately 7.5 miles from the main campus at 930 East Lincoln Highway Suite 100 in West Whiteland Township, Chester County, Pennsylvania. The Exton campus houses the Department of Nursing. West Chester University also has an agreement with the Marple Campus of the Delaware County Community College to host classes allowing DCCC graduates to earn a B.S. in Business Management through WCU while enrolled at DCCC.

All policy statements in this report apply to all West Chester University Campuses unless otherwise indicated. Safety of the University's campuses is a natural source of concern for students, parents, and employees. No campus is entirely isolated from crime and West Chester University is no exception. However, West Chester University has developed policies and implemented procedures in order to increase safety and security awareness and to provide precautionary measures for all campus community members. This publication is designed to provide an overview of the Department of Public Safety as well as information regarding other safety and security measures that have been instituted at West Chester University.

West Chester University, as a recipient of federal Title IV student financial aid, is required to adhere to the provisions of the Jeanne Clery Disclosure and Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the Clery Act. One provision of the Clery Act is that all post-secondary institutions receiving federal Title IV financial aid must publish an annual report disclosing campus security policies and three years' worth of selected crime statistics. In compliance with the Clery Act, this report is prepared by the Department of Public Safety and made available to the campus community and others, with the cooperation of local law enforcement agencies and various University offices including the Office of Student Conduct, the Office of the Title IX Coordinator, the Office of Residence Life and Housing Services, the Student Health Center, the Center for Women and Gender Equity, the Counseling Center, the Office of Institutional Research, Facilities Department, and the Department of Athletics. This publication is distributed in accordance with the Pennsylvania College and University Security Information Act (24PS. §§2502-1, 2502-5) and the following federal statutes: Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Section 486 (e) of Public Law 105-244 and the Accuracy in Campus Crime Reporting Act of 1997.

STUDENT & EMPLOYEE POPULATION FALL SEMESTER 2020

Student enrollment and employee figures are based on actual head count. All figures are calculated at the beginning of the fall semester each year.

MAIN CAMPUS

ENROLLMENT	
Undergraduate	14,712
Graduate	3,007
Total	17,719

RESIDING ON CAMPUS	
Undergraduate	575
Graduate	6
Total residing on campus	581

GRADUATE CENTER CAMPUS

In accordance with COVID-19 mitigation efforts all courses at the Graduate Business Center (GBC) were remote and no students were at the Graduate Business Center. One (1) employee was at this location during 2020, however. Graduate students in programs at the GBC are included in the overall student headcount and Full Time Equivalent calculation.

EXTON CAMPUS

ENROLLMENT	
Undergraduate	175
Graduate	8
Total	183
Non-Student Employees	4
Total Exton Campus	187

Employee grand total	1,869
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Source: WCU Office of Institutional Research

Geographic Locations FOR CLERY REPORTING

The University is required to report statistics for Clery designated crimes and to issue timely warnings for those crimes that represent a severe and continuing threat in the following geographic locations:

On Campus

“Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).”

For West Chester University, in addition to all University owned or controlled facilities and property on the Main Campus, Graduate Center Campus and Exton Campus. Student housing on campus owned by the WCU Foundation and operated by University Student Housing as well as the building and property owned by the Foundation located at 202 Carter Drive in West Goshen Township as well as all parking facilities located on campus will be included as “On Campus.” All crimes that were reported as occurring in any of these residential facilities will be a sub-set of “On Campus.”

Public Property

“All public property, including thoroughfares, streets and sidewalks that are within the campus, or immediately adjacent to and accessible from the campus.”

For West Chester University, all streets, alleyways, sidewalks, and parks that are directly adjacent to campus or that bisect campus will be included as “Public Property.”

Non-Campus

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

For West Chester University, houses located at 614 South Walnut Street and 626 South High Street in the Borough of West Chester would be included as “Non-Campus.”

Additionally, spaces on the Marple Campus of Delaware Community College used in support of the B.S. in Management degree through WCU will be designated as non-campus.

CRIME REPORTS

Clery crimes, arrests, and disciplinary action along with Uniform Crime Reporting statistics for the Main Campus, Graduate center and Exton Campus are located in Appendices A-C.

► All policy statements in this Annual Security and Fire Safety Report apply to the Main Campus, Graduate Center, and Exton Campus unless otherwise stated.

Who is responsible for campus security?

Main Campus

The Department of Public Safety is responsible for providing security on West Chester University’s Main campus.

The Division of Police Services consists of 25 full-time sworn police officers who have received training under the Municipal Police Officers’ Education and Training Act (Act

120) and their police commission from the Governor and the Secretary of Education of Pennsylvania. These officers are also required to attend annual update training under PA Act 180. The Division of Police Services also employs 4 full-time emergency dispatchers who receive professional training through APCO (Association of Public Safety Communications Officials).

The Division of Security Services employs 12 full-time and 15 part-time seasonal non-sworn security officers. Their primary responsibility is to provide security coverage in and around the main campus residential areas. There are security officers assigned to academic facilities as well.

The Division of Electronic Security Services employs 3 full-time employees who are primarily responsible for the operation and maintenance of the campus card access and CCTV systems.

The Division of Parking Services employs 4 full-time and 1 part-time Parking Enforcement officers. These officers are responsible for enforcement of all parking regulations and are involved in monitoring the parking lots and garages during their tour of duty.

All full-time employees of the Department of Public Safety receive, in addition to any state mandated or specialty training, a minimum of 40 hours of in-service training annually, including CPR and first aid training.

Graduate Center

The Department of Public Safety is responsible for providing security only during specific times at the Graduate Center. A Security Officer is posted at the site from 5:00 pm until 10:00 pm Monday to Thursday during the academic year. The West Goshen Township Police Department is responsible for responding to and investigating all criminal incidents and emergencies at the Graduate Center.

Exton Campus

The Department of Public Safety is responsible for providing security only during specific times at the Exton campus. A Security Officer is posted at the site from 4:30 pm until 8:30 pm Monday, Wednesday, and Thursday during the academic year. The West Whiteland Township Police Department is responsible for responding to and investigating all criminal incidents and emergencies that occur at the at the Exton campus.

DCCC Marple Campus

The Department of Safety and Security at DCCC provides the primary response to all emergency and non-emergency calls at all campuses and centers. All officers are uniformed college employees. The main security office is in Room 2200 of the Academic Building on the Marple campus (901 S. Media Line Road, Media, PA 19063). Emergencies should be reported to 610-359-5111 or dial 911. Security at this facility is not associated with the WCU Department of Public Safety.

What is the policy on encouraging the reporting of crime?

The University and the Department of Public Safety strongly encourage faculty, staff, students and guests too promptly and accurately report any potential crimes or suspicious activity, including when the victim elects to, or is unable to, make such a report.

The West Chester University main campus community is to notify the Department of Public Safety by calling 610-436-3311, those at the Graduate Center campus should notify the West Goshen Township Police by calling 610-696-7400 or dialing 911 and those at the Exton Campus should notify the West Whiteland Township Police by calling 610-363-9525 or by dialing 911.

Pastoral and Professional Counselors

Those incidents reported to pastoral and professional counselors are not included in campus crime statistics. Pastoral and professional Counselors, when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at West Chester University are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to the Department of Public Safety for inclusion in the annual disclosure of crime statistics.

Pastoral Counselor – An employee of an institution who is associated with a religious order or denomination recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor – An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

What are the on-campus locations and phone numbers for voluntary confidential reporting of crimes?

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Department of Public Safety officer can file a report of the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of reported sexual violence and other violations that may be sex- or gender-based). The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to enhance the future safety of yourself and others. With such information, West Chester University can keep an accurate record of the number of incidents involving students, employees, and visitors to determine where there is a pattern of crime with regard to a particular location, method, or assailant and to alert the campus community to a potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Other Reporting Resources

For those wishing to report a criminal incident, whether a victim, witness, or third party, reports may be made to the following offices where further options will be discussed with the reporting party. Members of the community are helpful when they immediately report crimes or emergencies to the Department of Public Safety and/or the report resources below (this list is not intended to be an all-inclusive listing of campus security authorities for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary. Reports can also be reported by using one of the provided emergency phones located throughout the campus.

Department of Public Safety	610-436-3311	Peoples Building
Director of Public Safety	610-436-3478	Peoples Building
Vice President for Student Affairs	610-436-3301	624 South High Street
Director Residence Life	610-436-3307	Lawrence Center
Director of Student Conduct	610-436-3511	Ruby Jones Hall Room 200
AVP Human Resources	610-436-3309	201 Carter Drive Suite 100
Director of Student Health	610-436-2509	Commonwealth Hall Ground
Chief Diversity, Equity, and Inclusion Officer	610-436-2433	114 West Rosedale Ave
Exec. Director of Communications	610-436-3383	Wayne Hall Room 200
Dir. Ctr. for Women and Gender Equity	610-436-2122	Lawrence Center
Director of Admissions	610-436-3414	Messikomer Hall

Reports of criminal activity that are brought to the attention of the Dean of Students, Residence Life and Housing Services, any student organization or activity advisor, athletic coaches, intramural sport advisors, and medical health professionals are required to be reported annually and, as such, are brought to the attention of the Department of Public Safety either by the victims or by the person receiving the report.



What is the enforcement authority and jurisdiction of WCU Public Safety personnel?

West Chester University police officers have full authority to enforce local, state, and federal laws as well as applicable University policies. The Department of Public Safety includes the police department of jurisdiction on the Main Campus on WCU owned or controlled property and University police authority includes the power of arrest on campus property. In addition to filing criminal charges, University police officers may initiate student conduct board proceedings for violations of the Student Code of Conduct and criminal violations as a sole process for resolution, or in addition to filing criminal charges.

University security officers are authorized to enforce University policies and procedures on campus property and may detain individuals for violations until custody can be transferred to a police officer. University security officers do not have the authority to make arrests. The patrol jurisdiction of security officers is limited to any buildings or properties owned or controlled by West Chester University. For violations of the Student Code of Conduct, University security officers submit reports of those violations to the Office of Student Conduct who will make the charging decision regarding alleged policy violations.

How does Public Safety work with state and local law enforcement agencies?

The Department of Public Safety maintains a working relationship with state and local police departments, including the West Chester Borough Police, Westtown-East Goshen Police, and the West Whiteland Police agencies, and is engaged in the sharing of specialized resources with these departments. WCU does not have written mutual aid agreements with those departments for the investigation of crimes that are reported on campus. The Department of Public Safety maintains primary law enforcement jurisdiction at West Chester University's Main Campus and is responsible for the investigation of all criminal incidents that occur on that campus. The patrol jurisdiction of security officers at the Graduate Center and Exton Campus is limited to any buildings or properties owned or controlled by West Chester University. The Department participates in regional law enforcement teams, taskforces, and training exercises that support the goal of safety on campus.

What is the policy on reporting criminal incidents to state and local law enforcement?

Crime statistics and arrest information for offenses occurring on campus, as required by state criminal history record retention laws, are reported monthly to the Pennsylvania State Police for use in the Uniform Crime Report.

► **The Department of Public Safety encourages all campus faculty, staff, students, and guests to act responsibly and to report criminal activity in a timely manner to help ensure a safe campus environment for everyone.**

What are the procedures for students and others to report criminal activity or other emergencies occurring on campus and how does the University respond to such reports?

Main Campus

The campus community can report criminal activity, fires, or medical emergencies on the Main Campus by calling the Public Safety Dispatch Center at 610-436-3311, by dialing 911 from any campus phone, by using any campus emergency phone, or by appearing in person at the Peoples Building (located on the NW corner of South Church Street and University Avenue). Those who wish to report a crime but remain anonymous may contact the Campus Crime Tip Line at 610-436-3100. The Chester County Department of Emergency Services would be contacted to dispatch Fire/Rescue/EMS services as required.

Graduate Center

The Graduate Center campus community can report criminal activity, fires, or medical emergencies on the Graduate Center Campus by calling the West Goshen Township Police at 610-696-7400 or by dialing 911. Those who wish to report a crime but remain anonymous may contact the Campus Crime Tip Line at 610-436-3100. The Chester County Department of Emergency Services would be contacted to dispatch Fire/Rescue/EMS services as required.

Exton Campus

The Exton campus community can report criminal activity, fires, or medical emergen-



cies on the Graduate Center Campus by calling the West Whiteland Township Police at 610-363-9525 or by dialing 911. Those who wish to report a crime but remain anonymous may contact the Campus Crime Tip Line at 610-436-3100. The Chester County Department of Emergency Services would be contacted to dispatch Fire/Rescue/EMS services as required.

All Campuses

Even if a student is a victim of a crime but does not wish to pursue criminal or student conduct violations, they are still encouraged to contact Student Affairs to file a confidential report. For sexual misconduct incidents, the Title IX office can be contacted to submit a report without notifying law enforcement. However, the Department of Public Safety encourages accurate and prompt reporting of all crimes to the campus police or the appropriate municipal police agency, including when the victim elects to, or is unable to, make such a report. Doing so helps the Department accurately report crime statistics, determine whether crime patterns are present, and better protect the campus community from future criminal acts.

West Chester University has established a Threat Assessment Team to assist in addressing situations where individuals are displaying disruptive or threatening behaviors that potentially endanger their own or others' health and safety. It is the responsibility of faculty, staff, and students to immediately report any situation that could possibly result in harm to anyone at the University. In cases where a person may pose an immediate risk of violence to self or others, the Department of Public Safety should be contacted immediately at 610-436-3311 or by dialing 911 on any campus phone. The University Threat Assessment policy can be found at the following website:

<https://www.wcupa.edu/dps/documents/threatAssessmentPolicy17.pdf>

Response to Reports of Crime

Public Safety maintains a 24-hour dispatch

center to answer all calls for assistance. Upon receiving a request for assistance, an officer and any other appropriate resources can be immediately dispatched to the location or the victim may be asked to respond to the Department of Public Safety to file an incident report.

West Goshen Township Police and the West Whiteland Township Police maintain 24-hour dispatch centers to answer all calls for assistance for the Graduate Business Center and the Exton campus, respectively. Upon receiving a request for assistance, an officer and any other appropriate resources can be immediately dispatched to the location or the victim may be asked to respond to the appropriate agency to file an incident report.

In cases involving criminal activity on main campus, University police officers will respond and conduct an investigation and may become a matter of public record. Information regarding all arrests of students made by University police for criminal violations on campus is forwarded to the Office of Student Conduct for review and potential action as appropriate. Arrests of University students by municipal police agencies that are brought to the attention of the Department of Public Safety are also forwarded to the Office of Student Conduct. All students are held accountable for their behavior both on and off campus property. If assistance is required from the West Chester or West Goshen Police Departments, the West Chester Fire Department or Good Fellowship Ambulance, the Department of Public Safety will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the Department of Public Safety, provide the student with directions on how to obtain the services provided by the University.

Daily Crime Log:

Main Campus

The purpose of the Daily Crime Log is to record all reports of criminal incidents that are reported to the WCU Department of Public Safety. Crimes that occurred on campus, at a non-campus building or property, or on public property within the campus or immediately adjacent to and accessible from the campus and the crimes that occurred within the patrol jurisdiction of the Department of Public Safety are included in the Daily Crime Log.

Upon request, the Department of Public Safety will provide a copy of the daily crime log for the time-period specified by the requestor. The most recent 60-day log is available immediately. Other time frames may take two business days to provide. The crime log will contain all crimes reported to the Department regardless of the classification. The listing will include the nature of the crime, case number, date and time reported, date and time occurred, general location and basic disposition of the crime. Daily Crime Logs will withhold any information that will identify victims.

Crime Logs are available, 24 hours a day, at the Department of Public Safety, located in the Peoples Building at 690 South Church Street.

Example of a Daily Crime Log:

Date Reported	Case Number	Location	Occur Date/ Time 2 nd Date (if ranged)	Disposition	Nature of Crime
01/01/2020	WC-20-00168	709 S. NEW St	01/01/2020 0115	Physical Arrest	Poss/Etc Alcohol/ Minor

Graduate Center and Exton Campus

For information about crimes at the Graduate Center, contact the West Goshen Township Police located at 1025 Paoli Pike West Chester, PA. For information about crimes at the Exton Campus, contact the West Whiteland Township Police located at 101 Commerce Drive Exton, PA. For information about crimes at the DCCC Marple Campus, contact the Safety and Security Office on that campus.

Fire Log:

Main Campus

A fire log is available for review at the Department of Public Safety from 8:00 a.m. – 4:30 p.m. Monday through Friday, excluding holidays. The fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

Graduate Center, DCCC and Exton Campus

The Graduate Center, DCCC and the Exton Campus do not have residential facilities and a fire log for these locations is not required.

Campus Notifications

How does West Chester University notify the campus community of crimes that may pose a serious or continuing threat to students and/or employees?

A campus wide “Timely Warning” will be issued for any Clery Act crime that is reported to any Campus Security Authority (CSA) or local police agency that in the judgement of the Director of Public Safety (in consultation with responsible authorities when time permits), represents a serious or continuing threat to students and employees, and that occurs on or within the University’s Clery geography. The Clery geography is defined as the core campus boundaries including university owned or controlled property on campus, public property that is within or immediately adjacent to the campus and in Clery defined non-campus properties.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR) / National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an ongoing threat to the larger West Chester University Community).
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice but will be assessed on a case by case basis).
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Director of Public Safety or designee. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is not ability to distribute a Time Warning Notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice).
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Director of Public Safety or his/her designee in his/her absence.

Federal timely warning notification

Parties reporting Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking should be aware that under the Clery Act, the University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. If a report of sexual misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Complainant. West Chester University will ensure that a victim’s name and other identifying information is not disclosed when such warnings are issued, while still providing enough information for community members to make safety decisions for themselves.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. Timely Warning Notices will be issued to the campus community via email blast to all WCU assigned email accounts. Timely warnings may also be issued using some or all of the following methods of communication: text messages or emails sent through the University’s WCU ALERT system or building postings by Building Administrators.

Institutions are not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.



West Chester University offers a text messaging subscription service (WCU ALERT) for all faculty, staff, and students to receive notification of major emergencies and timely warnings and strongly encourages subscribing to this important service. There is no cost to register; however, some cell phone providers may apply a small cost per text message sent or received. Subscribers will receive text messages on any device that accepts text messaging (SMS) through cellular service such as cell phones, text pagers, BlackBerrys, and some wireless PDAs. In addition, there is an option to have messages sent to a personal email address. The University offers this service to notify the campus of emergencies

and/or timely warnings. In addition, there is an option to receive weather-related cancellations as well.

► **Subscribe to receive text messages of campus emergencies, timely warnings, and/or weather-related cancellations at www.wcupa.edu/wcualert.**

Timely Warning Notices may be posted for other crime classifications and locations, even though that is not required by the law, at the discretion of the Timely Warning Committee.

Timely Warning Notices are typically written and distributed by the Director of Public Safety, or designee. When needed, an Information Services and Technology representative may assist the Director of Public Safety or designee in the dissemination of Timely Warning Notices.

How does West Chester University notify the campus community of emergency response and evacuation procedures?

The West Chester University Emergency Operations Plan includes information about University operating status parameters; incident priorities and performance expectations, shelter-in-place and evacuation guidelines, and local contingency and continuity planning requirements. This information can be found at: www.wcupa.edu/dps/emergencymanagement/

Emergencies Occurring On Campus

Contact the DPS Communications Center at 610-436-3311 or dial campus extension 3311. Or use any of the campus Emergency Phones located across campus. Simply push the button and they automatically dial the DPS Communications Center.

Emergencies Occurring Off Campus

Dial 911

The dispatcher will need the following information:

Your name

The location of the emergency

The nature of the emergency

How many people are involved?

The Dispatcher will then contact the appropriate personnel for response to the emergency. Please try and remain calm and stay on scene until the emergency responders arrive as they may need additional information from you.

The Public Safety Department publishes the following information:

West Chester University Emergency Response Guideline:

<https://www.wcupa.edu/dps/emergency-Management/documents/EmergencyResponseGuideline.pdf>

West Chester University Emergency Response Pocket Guide:

<https://www.wcupa.edu/dps/emergencyManagement/documents/WCUPocketGuide.pdf>

University Departments are responsible for developing continuity of operations plans for their staff and areas of responsibility. Members of the Department of Public Safety assist other departments in creating their plans. In conjunction with other emergency agencies, the University conducts emergency response exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Annual Emergency Preparedness Exercise:

Fall semester 2020 was affected by COVID-19 Mitigation efforts. The Mass evacuation drill did not occur. In Fall 2019 all residential facilities on the main campus were scheduled for a simultaneous emergency evacuation drill. Only senior staff in the hosting departments were aware of the date and time of the drill. General staff and students were not advised in advance. The objectives of this exercise were:

1. Determine the response of the residents to an emergency evacuation of their building.
2. Determine the ability for Residence Life Staff to coordinate the evacuation and provide accountability of their residents.
3. Determine the resources necessary to assist with an orderly evacuation of the residential quad.
4. Determine if Residence Life staff utilized the designated gathering points for their buildings.
5. Determine the strategies to be used by Public Safety to re-locate mass residential populations based on the potential

effects of the incident causing the mass evacuation.

Fire evacuation drills are conducted on an every other month basis in each residence hall when they are occupied and at least twice per year in all other buildings. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components.

Residence Life Staff members are trained in evacuation procedures and act as an on-going resource for the students living in residential facilities. The Department of Environmental Health and Safety and the Department of Public Safety coordinate efforts to conduct numerous announced and unannounced drills and exercises (tests) each year. Follow-through activities designed for assessment and evaluation of emergency plans and capabilities are also completed. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

Department of Public Safety administrators, supervisors and officers have received training in the Incident Command System and responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Department of Public Safety officers. Depending on the nature of the incident, other local, state, or federal response agencies could also be involved in the response and management of the incident.

General information about the emergency response and evacuation procedures for West Chester University are publicized via email at least once each year in conjunction with a test (exercise and drill) that meets all the requirements of the Higher Education Opportunity Act as part of the institution's Clery Act compliance efforts and that information is available on the West Chester University Department of Public Safety web site: www.wcupa.edu/

[dps](http://www.wcupa.edu/dps/emergencymanagement/trainingPreparedness.aspx) Detailed information about and updates to the West Chester University Emergency Preparedness efforts are available at: www.wcupa.edu/dps/emergencymanagement/trainingPreparedness.aspx

All members of the University Community are notified on an annual basis (via this document) that they are required to notify the Department of Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Individuals can report an emergency occurring on campus by calling (610) 431-3311. In the event of an emergency, West Chester University will initiate and provide without immediately notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, employees, and visitors.

The Department of Public Safety has the responsibility of responding to and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Department of Public Safety has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the health and safety of the community. If that is the case, federal law requires that the institution immediately notify the campus community or the appropriate segment(s) of the community that may be affected by the situation.

How and when does West Chester University inform the campus about an immediate threat and what is the policy on notifying the campus community of an emergency?

The University Mass Communications Policy helps to cover official West Chester University mass communication methods to ensure effective and efficient communication and to provide accurate and timely information to the campus community and the general public for emergency notifications and timely warnings, weather-related events, important time-sensitive announcements, and non-emergency general communications. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation; armed/hostile intruder, bomb/explosives (threat), communicable disease outbreak, terrorist incident, civil unrest, natural disaster, hazardous materials incident and structural fire. The policy is contained in this document as Appendix D and can be found on-line at the following website:

<https://www.wcupa.edu/dps/emergency-Management/documents/UniversityMass-CommunicationsPolicy.pdf>

The campus emergency notifications systems are tested twice annually in 2019. The tests were conducted on February 14th, 2020 and September 18th, 2020.

When the Department of Public Safety, in conjunction with campus administrators, local first responders, and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the University community, the West Chester University Department of Public Safety will collaborate with representatives of the Emergency Response Committee to determine the content of the message and will use some or all of the systems described below to communicate the threat to the University Community

or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. Those University officials responsible for making this determination are:

- Vice President for Student Affairs** – Dr. Zebulun Davenport
- Vice President for University Affairs and Chief of Staff** – Dr. John Vilella
- Vice President for Finance and Administration** – Mr. Todd Murphy
- Director for Equity and Compliance** – Ms. Lynn Klingensmith
- Director of Public Safety – Director/Chief of Police** – Mr. Raymond Stevenson

The Emergency Response Committee will, without delay, while taking into account the safety of the community, determine the content of the notification and initiate the notification system — unless issuing a notification will, in the professional judgment of the responsible authorities (including, but not limited to: the University Department of Public Safety, the West Chester Police Department, the West Goshen Police Department, the West Whiteland Police Department, the West Chester Fire Department and Good Fellowship Ambulance) — compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Emergency notifications may be issued by some or all of the following methods depending on the type of emergency, the University Alert System (which contains the following types of communication: text messaging, email blasts, WCU webpage, digital signage, television monitors, social media, external speaker broadcasts and in person notifications. Should any of these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender/ Distributor	Backup Message Sender/ Distributor
Text Messaging	Director DPS	Assoc. Director DPS	Associate VP/ Director DPS	Clery Compliance Officer	Assoc. Director DPS
Email Blast	Director DPS	Assoc. Director DPS	Associate VP/ Director DPS	Clery Compliance Officer	Assoc. Director DPS
Webpage	Information Services		Associate VP/ Director DPS	Clery Compliance Officer	Assoc. Director DPS
Digital Signage	Information Services		Associate VP/ Director DPS	Clery Compliance Officer	Assoc. Director DPS
Social Media	Office of Communications		Associate VP/ Director DPS	Clery Compliance Officer	Assoc. Director DPS
External Speakers	Director DPS	Assoc. Director DPS	Associate VP/ Director DPS	Clery Compliance Officer	Assoc. Director DPS



West Chester University offers a text messaging subscription service (WCU ALERT) for all faculty, staff, and students to receive notification of major emergencies and timely warnings and strongly encourages subscribing to this important service. There is no cost to register; however, some cell phone providers may apply a small cost per text message sent or received. Subscribers will receive text messages on any device that accepts text messaging (SMS) through cellular service, such as cell phones, text pagers, BlackBerrys, and some wireless PDAs. In addition, there is an option to have messages sent to a personal email address. The University offers this service to notify the campus of emergencies and/or timely warnings. Subscribe to receive text messages of campus emergencies and/or weather-related cancellations at www.wcupa.edu/wcualert.

▶ INITIAL EMERGENCY COMMUNICATIONS WILL BE SENT IMMEDIATELY AND WILL CONVEY ONLY THE MOST CRITICAL INFORMATION. FOLLOW-UP INFORMATION AND DETAILS WILL BE CARRIED ON THE UNIVERSITY'S HOMEPAGE, WHICH WILL BE UPDATED AS CIRCUMSTANCES DICTATE.

Secondary communications distribution methods:

In an emergency, secondary communication methods, including face-to-face communication by appropriate officials, may be activated as circumstances dictate.

Communication Channels	Responsible Party
Posting messages to West Chester University website, My WCU, Blackboard, & Webmail	Information Services and Technology Division
Activate a recorded message for those using WCU voice mail functionality	Information Services and Technology Division
Announcements via electronic bulletin boards	Information Services and Technology Division Director of Sykes Union
Activate University's emergency public address system, sirens, and blue light stations	Director of Public Safety
Announcements via police cruiser public address systems, bullhorns, or digital signage	Director of Public Safety
Request reverse 911 telephone message via the Chester County Emergency Services System	Director of Public Safety
Contact selected news media (radio & TV stations) including WCU's radio station (91.7 FM)	Executive Director Communications
Announcements via individual public address systems where available	Facility Administrators
Announcements on football scoreboard/Farrell Stadium	Director of Athletics
Telephone Trees or phone Chains	Building Administrators, Assistant Building Administrators, Student Affairs.

Post Emergency Communication:

The University will issue follow up messages and an “all clear” message to convey the University’s return to normal operations to all faculty, staff and students via University assigned email accounts, the West Chester University homepage, and text message to WCU Alert subscribers. Details regarding the incident will be communicated on the University’s homepage.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the West Chester University homepage.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely

warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

Campus Evacuations

The emergency evacuation procedures for all main campus buildings are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Department of Public Safety does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated. The availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, The Department of Public Safety staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At West Chester University, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

How are emergency evacuations handled at the University?

Main Campus and Graduate Center Only

The West Chester University general evacuation procedures can be found at the following website:

www.wcupa.edu/dps/emergencymanagement/generalProcedures.aspx

In an emergency, the University will communicate key information as quickly and to as many people as possible. Key information will include:

The type of incident.

- The location of the incident, if known, and what the reader’s response should be (Example: Person with gun on cam-

pus. Secure yourself in a safe place and wait for police.)

- Initial emergency communications will convey only the most critical information.
- As the situation or emergency unfolds, the University will post interim announcements and/or instructions on the homepage.
- The University will issue an All Clear message to convey the University's return to normal operations via the primary communication methods.

Everyone is encouraged to become familiar with evacuation plans.

If you are advised to evacuate a building either by the activation of the fire alarm system or verbally by Public Safety or other Building Administrators, please evacuate immediately. Evacuate from below level and upper floors by using designated stairways; do not use elevators. If you have special assistance needs, become familiar with the closest "Area of Rescue Assistance" and someone will help you to evacuate. If possible, to do so safely, take your belongings with you and do not return to the building once you have left for any reason.

If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify the Department of Public Safety 610-436-3311 or dial 911.

1. Remain Calm.
2. Do not use Elevators — use the stairs.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform the Department of Public Safety or the responding Fire Dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

After leaving the building, occupants will be instructed by Public Safety or Building Administrators where the designated gathering place will be located. Please remain at the evacuation area unless it is unsafe to do so or you are instructed to re-enter the building.

If there is a suspected or confirmed hazard outside of a building, occupants may be required to shelter in place. Occupants may be instructed to move from their current location to other areas inside of a building, dependent on the type of hazard. Once sheltered, please remain in that area unless it is unsafe to do so or you have been instructed to re-locate.

Basic "Shelter-in-Place" Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources, the Department of Public Safety, Housing Staff members, other University employees, West Chester Police, West Goshen Police, West Whiteland Police, or other authorities utilizing the University's emergency communications tools.

How to "Shelter-in-Place"

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

1. Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
2. Without windows or with the fewest number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.

4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to the Department of Public Safety so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Evacuation procedures for persons with disabilities.

Please become familiar with escape routes and Area of Rescue Assistance locations in the buildings that you may be using during your time at the University. An Area of Rescue Assistance is an area where people who are unable to use stairs may remain temporarily in safety to await further assistance during an emergency evacuation.

What is the policy for preparation of the Annual Security and Fire Safety Report?

West Chester University prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report is located on the University's web site at: <https://www.wcupa.edu/dps/documents/clery.pdf>. This report is prepared in cooperation with local law enforcement as well as these campus offices:

- Department of Public Safety
- Department of Environmental Health and Safety
- Department of Athletics
- Office of Student Conduct
- Office of Fraternity and Sorority Life
- Office of Student Leadership and Involvement
- Office of Human Resource Services
- Office of the Title IX Coordinator
- Office of Institutional Research

Each entity provides updated information on their educational efforts and programs to comply with the Act. Campus crime, arrest and referral statistics include those reported to the West Chester University Police, Campus Security Authorities, and local law enforcement agencies.

Department of Counseling and Psychologi-

cal Services staff informs their clients of the procedures to report crime to the University's Department of Public Safety on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

All of the statistics are gathered, compiled, and reported to the University community via this report, which is published by the Department of Public Safety. Public Safety also submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

Each year, an e-mail notification that provides the direct web site link to access this report is sent to all enrolled students and all current employees. Copies of the report may also be obtained at the West Chester University Police Department located within the Peoples Building at 690 South Church Street or by calling (610) 436-3311. All prospective students and employees receive notification of the reports availability and how to obtain them during the application process.

Dissemination of Security and Enforcement Information

What security awareness and crime prevention programs are available to inform students and employees about security and enforcement procedures?

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the West Chester University Department of Public Safety to inform students of good crime prevention and security awareness practices.

Due to mitigation efforts associated with the COVID-19 pandemic and the University instructing its students remotely, the Department of Public Safety did not offer any in person crime prevention and awareness programs. During the 2021-2022 Academic Year the Department of Public Safety will once again offer topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

During student and employee orientation sessions, new students and new employees are informed of security and enforcement procedures by Department of Public Safety personnel. Orientation for new students occurs every summer and involves all incoming students and their families. Orientation for new employees is conducted every few months as needed.

Public Safety personnel participate in crime prevention and security awareness training programs that are specific to campus residents, including training of residence life staff, and covering topics such as personal safety, vandalism, theft, alcohol & drug education, and general crime prevention tips. Throughout the academic year, Public Safety officers conduct crime prevention and safety seminars in the residence halls. Public Safety also works with residence life staff throughout the year to conduct hall meetings with students in regard to security issues. WCU conducts numerous crime prevention and safety seminars throughout the academic year.

Employee training sessions are offered throughout the year in open forums and in response to specific departmental requests. In addition to crime prevention, training sessions for employees include identification of threatening behaviors, classroom safety, evacuation and shelter-in-place procedures and how to report crimes and threatening behavior.

A common theme of all training is to encourage students and employees to be aware of their surroundings and to encourage student and employees to be responsible for their own security and the security of others. The reporting of actual or suspected crimes to the Department of Public Safety is also a key point in training. For additional questions regarding crime prevention, contact the department directly at 610-436-3311.

As part of the department's community-oriented policing philosophy, the Department of Public Safety offers crime prevention presentations each semester to residence halls, classrooms, campus clubs and student groups as well as employees as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies. Public Safety also offers training for response to active shooter known as A.L.I.C.E.

R.A.D. Systems self-defense courses are offered several times each semester. You can register on-line for these courses. A.L.I.C.E.



Campus Access

What is the policy about access to University facilities and programs by students, employees, guests, and other individuals?

Most University facilities are open to the public during normal business hours and some include evening hours. All individuals accessing University facilities must adhere to all federal and state laws, as well as all University policies. All administrative and academic buildings on the Main Campus are opened at approved times and secured by Public Safety upon the completion of their scheduled use. Prior to scheduling any extracurricular event, the University must approve the use of the facility. When administrative and academic buildings are secure, access is restricted to authorized individuals through the use of card access or written authorization from the building administrator.

Residence hall access is restricted 24 hours/day via a card access system. Residents are provided access to the hall they live in via their access card at the designated entrances. Guests are given access to the building by the resident they are visiting, and the resident is responsible for the guest while the guest is in the building. All University employees, contractors, and vendors are required to display University identification when they are in an occupied residence hall.

training and other types of crime prevention programs are conducted as requested throughout the year. All programs offered by the Department of Public Safety are free of cost. Anyone interested in having a Department of Public Safety Officer speak to a class or group should contact them at 610-436-3311



SECURITY OF CAMPUS FACILITIES

Public Safety Officers conduct routine patrols of all campus buildings to evaluate and monitor security related matters, including on campus student housing facilities

► **There are no residential facilities at the Graduate Center or the Exton Campus.**

What type of student housing is available at West Chester University?

University owned on campus housing consists of four residence halls and two apartment complexes. While most traditional residence hall rooms are double occupancy, some single rooms are available under specific circumstances. All of the residence halls house both male and female students. There is an eleven-building apartment complex owned by the University located at South Campus and a three-building apartment complex on North Campus. Additionally, there is housing on campus referred to as Affiliated Housing. These facilities are available to University students but are operated by a private management company. The Affiliated Housing facilities include four suite-style buildings and two apartment complexes. There is no on-campus married student housing provided by the University or Affiliated Housing.

What is the policy on housing assignments and requests by students for assignment changes?

Housing assignments are initially made for an entire academic year. Returning stu-

dents apply for University-owned housing during the first half of the spring semester the preceding year and receive assignments by mid-March. Assignment processes for Affiliated Housing begin late in the fall semester. Both first-year and transfer students are accepted as “resident” or “commuter” students through the Office of Admissions and those who plan to live on campus are notified of their assignments in early August prior to their arrival.

The housing application includes a section for students to indicate their personal preference regarding quiet hours smoking and gender non-conforming (although all University housing facilities are smoke-free). These preferences are met whenever possible. Room changes are permitted for all residents during the second week of each semester if approved by the Resident/Graduate Hall Director (RD/GHD) of the facility. The RD/GHD of the hall/complex handles any extenuating circumstances on a case-by-case basis.

How are student-housing facilities secured?

All exterior doors to the residence halls are locked 24 hours a day. The main entrances to each building are equipped with electronic card readers, which residents use to gain access to the building. All other entrances are alarmed and set for delayed egress, which will deny the ability to exit the building for 15 seconds while an alarm sounds, unless the fire alarm has released the doors. Only residents can provide access to the building for their guests, and applicable guest policies must be followed.

Room doors in the residence halls are equipped with either a standard lock and key system or card key system. All resident rooms are also equipped with a one-way peephole for identification purposes prior to admission. The windows are equipped with screens and will lock in place.

How many employees are assigned to University and Affiliated housing facilities?

A security officer is stationed at the main entrance of each residence hall between 8 PM and 4 AM. All security officers have received 40 hours of in-service training, which includes University policies, department procedures, and applicable Commonwealth statutes.

Each hall or apartment complex has a full-time, live-in Resident Director, Graduate Hall Director, or Community Manager who oversees all operational aspects of that hall/complex. Most residential facilities also have a Graduate Assistant to assist the Resident/Graduate Hall Director. All residential facilities have a student Resident Assistant living on each floor or in each apartment building, and a student Desk Assistant who remains at the hall main desk during various hours, seven days a week. The entire residence life staff, which totals approximately 180 people, receives training on security procedures and policies, crisis intervention, confrontation, alcohol and drug abuse, and emergency response.

What is the policy for housing student during low occupancy periods, such as holidays and vacations?

During times that most residence halls are vacated by residents, they are locked and secured. Generally, one traditional residence hall, as well as one affiliated building and all apartment complexes, remain open for use by international students and students demonstrating a particular need to stay on campus. During these low occupancy periods, entrance to the occupied residence halls is restricted via the card access system to only those students approved to stay on campus. Security officers patrol the buildings during these periods.

What is the policy for housing guests or others not assigned to student housing or not regularly associated with the University?

University housing is primarily for full-time registered students. Special arrangements may be made for part-time students with the permission of the Director of Housing Services or the Assistant Vice President of Student Affairs.

Students are permitted to host guests in their residence hall rooms. Every guest is subject to University rules and regulations, and guests are the responsibility of the resident host. The University reserves the right to deny access to any person who presents a threat to the peace, safety, and welfare of other residents.

The University does not permit cohabitation or patterns of extended visitation in the

residence halls or apartment complexes. All guests must follow proper registration and check-in procedures as prescribed by the appropriate staff. Overnight guests are permitted to visit and stay in University-owned and affiliated housing for defined periods of time, but the rights of the roommate take precedence in issues involving a guest. Patterns of visitation, which interfere with the rights, privileges or privacy of any resident student, will not be tolerated and may subject the host to a student conduct action.

What other areas does Public Safety staff on campus?

Frances Harvey Green Library is staffed with Security Officers seven days a week. Security Officers staffing the library are responsible for active patrol of the library and grounds around the clock beginning Monday morning through Friday evening and between the hours of 9 am and 6 pm on Saturday and Sunday. This position is responsible for patrolling all interior and exterior areas of the Library, checking for any security or safety problems, and reporting all crimes to our dispatch center. Monitoring patrons for unruliness or loudness and enforcing all University regulations.

The Security Officer is also responsible for assisting with the evacuation of the Library during closing, locking doors, and activating the alarm panel. Additional duties include assisting in medical emergencies, fires, and fire drills.

What security considerations are given to the maintenance of campus facilities including landscaping, grounds keeping and outdoor lighting?

University facilities and campus outdoor lighting are maintained to minimize hazardous conditions. Malfunctioning lighting and other unsafe conditions are reported to Facilities Management for repair or correction. Parking lots and pathways are illuminated on campus. In addition, the Department of Public Safety completes a lighting and physical security report monthly, which is submitted to the Facilities Management Department. A Security Officer is responsible for conducting door security checks for all academic and administrative buildings on the Main campus throughout the work week. Security Officers check exterior doors on residential facilities daily. Any exterior doors that are found to be malfunctioning are submitted for service daily to Facilities Management. The Grounds Maintenance department ensures there are no security concerns caused by overgrowth or decay of vegetation monitors trees, shrubs, bushes, and other landscaping. Other members of the University community are helpful when they report equipment problems to the Department of Public Safety (610-436-3311) or to Facilities Management Department (610-436-2444).



ALCOHOL, DRUGS AND WEAPONS POLICIES

What is the policy on possession, use or sale of alcohol and illegal drugs?

West Chester University is committed to providing a healthy working environment, consistent with PASSHE Policy 1989-02: Drug-Free Workplace and the maintenance of a campus free from unlawful drug and alcohol-related activity. West Chester University certifies its compliance with The Drug-Free Workplace Act (41 USCA 701), The Drug-Free Schools and Communities Act of 1989 (P.C.101.226) and their implementing criteria: the Drug and Alcohol Abuse Prevention Regulations (34 CFR 86).

The University complies with the federal, state, and local laws including those that regulate the possession, use, and sale of alcoholic beverages and other controlled substances. West Chester University students who use, sell, exchange, consume, or possess alcoholic beverages, illegal drugs, or drug paraphernalia on University property or at University functions will be dealt with in accordance with the State laws of the Commonwealth, federal and local laws as well as the University Student Code of Conduct. West Chester University prohibits the unlawful possession, use and sale of alcoholic beverages on campus except under special circumstance. Even students who are 21 years of age or older are not permitted to possess or consume alcohol on campus property. West Chester University prohibits the unlawful possession, use, and sale of illegal drugs on campus. The West Chester University Department of Public Safety is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

Non-students who violate the University's policies and whose actions are not in compliance with the orderly operation of the University may be prosecuted in accordance with Commonwealth, federal, and local laws. Non-students involved in on-campus violations of these policies may be banned from University property.

Alcohol and or alcohol containers:

West Chester University campus violation of the University's alcohol policy as set forth in the Student Handbook shall be construed as a violation of this section. Any off-campus violation is a violation of this section when such off-campus use violates local, state, or federal laws. Exceptions to the alcohol violation are noted in the Medical Amnesty Policy. This section shall include, but is not limited to, (a) display of empty alcohol containers in any University facility, residence hall, or any affiliated University housing, (b) sale, exchange, use, possession, or consumption of alcoholic beverages on campus over 21 years of age, (c) underage use, possession, or consumption of alcoholic beverages, (d) open containers of alcoholic beverages, (e) public intoxication, and (f) driving under the influence. As it is a violation of this policy to possess alcohol, demonstrating that a student has knowledge of the location of alcohol and/or the intent to exercise control over the alcohol shall constitute possession. In the absence of extraordinary or mitigating circumstances, a sanction

of suspension or expulsion may be imposed on any student found responsible of (g) selling and/or furnishing alcohol to minors.

Drugs and or drug paraphernalia:

Students who exhibit drug use or abuse or any other violation of the University's drug policy, as set forth in the Student Handbook, shall be considered in violation of this section. This includes, but is not limited to, (a) possession or use of any illegal or controlled substance, drug, and/or (b) possession of drug paraphernalia, (c) possession of a significant quantity, distribution, or sale of drugs, and/or (d) driving under the influence. Any off-campus violation is a violation of this section when such off-campus use or possession is in violation of local, state, or federal laws. Demonstrating that a student has knowledge of the location of any illegal or controlled substance, drug or drug paraphernalia, and/or the intent to exercise control over such items shall constitute possession. Use of legal or prescribed substances (e.g., inhalants) in a fashion designed to alter one's mental or physical state will be considered reckless behavior as described in the Infliction of Harm section (see I.C.1.c).

See Alcohol and Drug Amnesty Policy on page 5 of the Sexual Misconduct Policy, which reads as follows,

Alcohol and Drug Use Amnesty for Students

The health and safety of every student at the University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experience sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to University officials or law enforcement⁶ will not be sanctioned under the University's Student Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual misconduct. The University may require the individual attend an approved alcohol or drug education program and without assessing any charges for such program. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

What types of drug and alcohol abuse educational programs are offered?

Drug and alcohol abuse education programs are available for students through the Division of Student Affairs at the Student Health and Wellness Center and at the Counseling and Psychological Services Center. Programs for employees are available through Human Resources at 201 Carter Drive. Counseling professionals, guest speakers, and extensive literature on these subjects are available through these offices. The University also utilizes available county support agencies that offer assistance, including 24-hour hot lines and the State Employee Assistance Program.

What are the penalties for those criminally charged with the abuse of alcohol or drugs?

Anyone in possession of illegal drugs or paraphernalia can be charged under PA Crimes Code Title 18 for alcohol offenses, or for a controlled substance offense, Pennsylvania Crimes Code Title 35. Penalties for a first offense upon conviction can include fines of no less than \$500 and possible imprisonment up to 15 years.

Anyone who purchases, consumes, possesses, or transports alcoholic beverages while being under the age of 21 can be charged with a summary offense. Penalties upon conviction of a first offense can include fines up to \$300 and will involve the suspension of driving privileges for 90 days. Anyone found to be furnishing alcohol to minors can be charged with a misdemeanor offense. Penalties upon conviction can include fines of no less than \$1,000. Additionally, students can receive fines of no less than \$50 for student conduct violations.

Where can I obtain more information on educational programs related to drug and alcohol abuse prevention, sanctions for violations of federal, state and local laws and University policy; a description of health risks associated with alcohol and other drug use and a description of available treatment programs for WCU students and employees?

In compliance with the Drug Free Schools and Communities Act, West Chester University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention;

sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for West Chester University students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online at the following website:

https://www.wcupa.edu/_services/STU/ramsEyeView/drugFreeCampus.aspx

What is the policy on possession and use of weapons by Public Safety personnel?

University police officers are authorized to carry firearms and are certified in their use on a bi-annual basis. Public Safety officers may carry other devices including but not limited to Tasers, pepper spray, batons, and other devices necessary to affect control and arrest.

Persons who do not have specific authorization from the Director of Public Safety are prohibited from possessing weapons of any kind in any University and affiliated buildings or at outdoor sporting, recreational, entertainment or educational events on University property. Violators may be subject to criminal prosecution, disciplinary action, or student conduct processing.

What is the policy about employees or students with criminal records?

As part of the pre-employment process, Human Resources conducts background checks in the form of specific criminal and consumer reporting verifications for all employee recruitments except for work-study students. Conviction of a criminal offense does not bar one from employment in all cases. Each case is considered individually on its merits. If the University administration discovers that a current employee has been convicted of a criminal offense, the University reserves the right to review the conviction in relation to the employee's current position and, if warranted, take action to either reassign or dismiss the employee.

The West Chester University policy is available online at the following website:

www.passhe.edu/inside/ce/pages/protection-of-minors.aspx

A student with a criminal record in all cases will not be barred from admission to the

University. When an applicant indicates that he or she has a felony conviction, the application is reviewed by the Criminal Convictions Committee and a case-by-case decision is made. Students who are convicted of a criminal offense after admission are subject to the University's student conduct process. Penalties can range from probation to expulsion, depending on the severity of the offense and whether the student has prior offenses.

►HEOA Notification of Final Results
West Chester University will, upon written request, disclose to the victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the victim for purposes of this paragraph.

What is the policy on investigating missing students who reside in on-campus housing?

Students, employees, or other persons, who believe or have knowledge that a student who resides in on-campus housing is suspected missing must immediately notify the Department of Public Safety at 610-436-3311. Notification that a resident student is missing is required within 24 hours of the time the student is determined to be missing. The Department of Public Safety will conduct a timely investigation in accordance with departmental policy regarding missing person investigations. The police investigation will follow specific steps that are outlined by Pennsylvania Title 18 Section 2908(a) Missing Children and 42 U.S.C. 5779(a) Section 3701(a) Suzanne's Law. For students who are under the age of 18 and not emancipated, the University must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

West Chester University annually provides all resident students the annual option to register a contact person(s) who can be notified by the Institution should the student be reported missing. The University strongly encourages all resident students to identify a "missing person" contact, which is in addition to any general emergency contact informa-

tion already provided. Should the student not formally declare a separate missing person contact, the emergency contact on record will be notified. This "missing person" contact(s) should be registered with the Office of Residence Life and Housing in the Lawrence Center. Students are advised that the "missing person" contact information will be kept confidential and will be accessible only to authorized campus officials and law enforcement officials in the furtherance of the missing person investigation.

If members of the WCU community believe that a student has been missing for 24 hours, it is critical that they report that information to Department of Public Safety by calling (610-436-3311). Should a resident student be determined to be missing, the contact person(s) provided by the student will be notified within 24 hours by University officials. If multiple contacts are requested by the student, then all contacts will be notified even if the first contact reports the student is not missing.

This notification process will continue until the student in question is in direct contact with the Institution and confirms he or she is safe. The official making the contacts will document these notifications, including those that are unsuccessful.

As part of the investigation, the Department of Public Safety within 24 hours will notify the parent or guardian of any missing person who is under the age of 18 years old who has not been emancipated and any other designated contact person within 24 hours.

This notification will occur no later than 24 hours following the determination that the student is missing. If the missing person is emancipated or over the age of 18 years old, the Department will notify the contact provided and not the parent or guardian unless that person has been designated as the "missing person" contact. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the Department of Public Safety will inform the local law enforcement agency with jurisdiction that the student is missing within 24 hours.

Once the determination has been made that a student living on campus is missing, the Department of Public Safety will notify the local law enforcement agency within 24 hours, unless the local law enforcement agency made the determination that, the student is missing.

What is the policy concerning monitoring non-campus crime?

West Chester University works in conjunction with local law enforcement agencies that have jurisdiction in areas surrounding the campus, in order to monitor criminal activity at non-campus locations, including at non-campus locations of recognized student organizations. Although there is no formal agreement, the West Chester Borough Police Department routinely provides information to the University regarding incidents involving students residing or visiting within the Borough of West Chester or East Bradford Township and the West Goshen Township Police provides information to the University regarding incidents involving students residing or visiting within the West Goshen Township. However, these external law enforcement agencies do this out of courtesy and are not "required" to notify or involve the Department of Public Safety when they respond to a call involving private property. Students in these cases may be subject to arrest by the police department that holds jurisdiction of the illegal activity and through the University student conduct process.

How does the University report incidents for on-campus properties?

Statistics for on-campus properties include all incidents reported to the University's Department of Public Safety that occurred in any building or property that is owned or controlled by the institution located within the same reasonably contiguous geographic area and are used to meet or support the educational purposes of the institution. These statistics also include all residential facilities on campus, whether they are owned and operated by the University or by a private management company.

How does the University report incidents for campus residential facilities?

Statistics for residential facilities include all incidents reported to the University's Department of Public Safety that occurred in the student residential facilities located on the main campus, whether the building is owned and operated by the institution or by a private management company. These numbers are also included in the on-campus property statistics.

How does the University report incidents for non-campus properties?

Statistics for non-campus properties include all incidents known to the University that are reported to local municipal police agencies. This includes one home owned by a WCU recognized fraternity located at 614 South Walnut Street And a home owned by a WCU recognized fraternity at 626 S High St.

How does the University report incidents for public properties?

Reporting for public properties includes all incidents known to the University that are reported to local municipal police agencies for incidents occurring in public areas that are geographically contiguous to campus property.

How does the University respond to crimes involving bias?

West Chester University supports and encourages programs that benefit all people and that seek to eradicate discrimination and injustice. This message is included in the West Chester University “Values Statement,” which is displayed in every University building. Incidents involving bias can be reported on-line at https://www.wcupa.edu/_SERVICES/stu.jud/reportIncident.aspx and are vetted by the Office of Diversity, Equity, and Inclusion. Information is shared with the Campus Climate Intervention Team (CCIT), which includes a representative of the Department of Public Safety. If necessary, Public Safety will investigate any incident involving bias against any individual or group due to race, gender, religion, sexual orientation, ethnicity, or disability. Incidents of this nature are responded to immediately and are recorded by Public Safety separate from other incident types.

GENERAL FIRE SAFETY

West Chester University has established fire safety regulations for your protection. Fire Safety Policies as well as timely information on consumer product hazards, seasonal fire safety tips, and fire safety statistics can be found on-line.

<https://www.wcupa.edu/hr/environmentalHealth/fireSafety.aspx>

The following are general fire safety regulation that you should be familiar:

- The presence or use of incense burners, candles, or any other device with an open flame is prohibited in all residential facilities.
- Smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in all university buildings. Smoking is only permitted in approved designated smoking areas on campus.
- All electrical equipment and/or appliances must bear the seal of approval of the “Underwriter’s Laboratories, Inc.” (UL) to be approved for use in campus facilities.
- Other than the approved use of microwaves in residential rooms and apartments, cooking is restricted to designated kitchens within campus facilities. With the exception of approved microwaves, cooking appliances such as hot plates, toasters, toaster ovens, electric grills, and other similar type heating devices are prohibited in student rooms in the residence halls. This restriction does not include the use of these items in the resident Apartment Complexes on campus.
- Surge protection strips must be plugged individually into an outlet and shall not be plugged into each other. Surge protectors have been supplied by Environmental

FIRE SAFETY REPORT (MAIN CAMPUS)

This report complies with the Clery Act and the Campus Fire Safety Right to Know Act. This report is based on reporting documents and includes affiliated housing on the West Chester University campus. The Graduate Center and the Exton Campus do not have residential facilities.

Residence Hall Fire Safety

General Fire Safety Guidelines for WCU can be found at the following website:
www.wcupa.edu/hr/environmentalHealth/fireSafety.aspx

Reporting fires that are found “after the fact.”

Per federal law, West Chester University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. For fire incidents that are discovered “after-the-fact” or where it is uncertain that the Public Safety Department has already been notified about a fire, students and employees are encouraged to report the incident to the Department of Public Safety to ensure the fire is investigated, if appropriate, and for inclusion in the annual fire statistics. If you find evidence of such a fire, or if you hear about such a fire, please contact the Department of Public Safety at (610) 436-3311 to initiate an incident report. If you encounter a fire that is actively burning, call Public Safety at (610) 436-3311 or dial 911 on any campus phone for emergency assistance.

In addition to Public Safety, you may contact these offices regarding fires during regular business hours:

Office of Residence Life and Housing • (610) 436-3307

Office of Environmental Health and Safety • (610) 436-3333

When calling, please provide as much information as possible about the location, date, time, and cause of the fire.

Health and Safety in each student resident room and these are the only surge protectors approved for use in the residence halls.

- The storage of combustible or flammable materials including but not limited to propane tanks, lighter fluid, gasoline, paint solvents, etc., are prohibited in all campus housing facilities.
- Reporting false alarms, tampering with the fire detection or suppression devices, or otherwise threatening the life safety of members of any campus residential community is prohibited by law.

Students who are found to be in violation of these and other fire safety regulations are subject to disciplinary action under the WCU Student Code of Conduct and possible criminal action under Pa Title 18.

Fire Drills

In compliance with Commonwealth of Pennsylvania regulations and University policy, fire drills are conducted at varying times twice a semester at each residential facility during the academic year. The first drill each academic year is conducted during the first week of occupancy. Immediate Evacuation is required of all occupants when the alarm system is activated in any campus housing facility.

Evacuation Procedures for Student Housing in Case of a Fire

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Department of Public Safety at 610-436-3311. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building, closing doors as they leave. Training is not provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the

building.

Become familiar with the evacuation exits nearest to your room and review the evacuation plans posted on each floor of the building. You should use the nearest stairwell to your room, but you should also be aware of a secondary exit in the event that your primary exit becomes unusable.

Do not use the center stairwells unless no other safe alternative exists. These stairwells must be kept clear for use by emergency responders.

- Do not use the elevators to evacuate during an emergency. If you are unable to evacuate by yourself, go to the nearest Area of Rescue Assistance and if possible, contact Public Safety and tell them where you are located.
- Exit the building swiftly but calmly, do not run, but walk briskly to the nearest exit.
- After exiting the building, report to the pre-designated meeting location for your building. Do not leave this area or attempt to re-enter the building unless advised that it is safe to do so by Public Safety.

Fire Prevention and Protection

All campus residence halls and residential apartment buildings are protected by fire safety systems. These systems include smoke and heat detection, manual pull stations, sprinklers, and portable fire extinguishers. All these fire safety systems are physically inspected and electronically documented each month by the Department of Environmental Health and Safety. The fire detection systems are inspected and tested annually, and the automatic sprinkler systems are inspected and tested quarterly as required under NFPA guidelines by certified specialists. All fire safety systems are monitored at the Dispatch Center located within the Department of Public Safety.

- An automatic fire detection or suppression system is one that will operate and provide evacuation notification without human interaction.
- An addressable fire detection system is one where the location of the activated device (address) is reported back to the building fire alarm panel as well as the Dispatch Center to alert first responders as to the exact location of

the incident.

- A full sprinkler system is one that covers all areas within a building to include living areas, corridors, lobbies, lounges, mechanical areas, and storage rooms.
- Portable fire extinguishers for residential facilities include ABC and CO2 units that will handle Class A fires (Ordinary Combustibles) Class B fires (Flammable Liquids) and Class C fires (Energized Electrical Equipment). Fire extinguishers are placed based on code required distances and type of hazard.

Allegheny Hall – An addressable fire detection system has been installed for all common areas (corridors, lobbies, lounges, fitness centers) and mechanical areas (electrical, HVAC, storage) within the building. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. Smoke detectors wired in series with battery backup are installed in each individual residential suite within the building. These smoke detectors only sound within that suite and do not activate the building's evacuation system. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All suites, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

Brandywine Hall – An addressable fire detection system has been installed for all common areas (corridors, lobbies, lounges, fitness centers) and mechanical areas (electrical, HVAC, storage) within the building. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. Smoke detectors wired in series with battery backup are installed in each individual residential suite within the building. These smoke detectors only sound within that suite and do not activate the building's evacuation system. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building.

All suites, common areas and mechanical areas have a fully automatic sprinkler sys-

tem. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

College Arms Apartments – All buildings that make up this apartment complex have a fully addressable fire detection system installed throughout the buildings in all apartments, common areas and mechanical areas. Manual Pull Stations are located near all exits and portable fire extinguishers are located throughout the buildings including inside each apartment. All apartments, common areas, corridors and mechanical areas have a fully automatic sprinkler system.

Commonwealth Hall – An addressable fire detection system has been installed for all common areas (corridors, lobbies, lounges, fitness centers) and mechanical areas (electrical, HVAC, storage) within the building. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. Smoke detectors wired in series with battery backup are installed in each individual residential suite within the building. These smoke detectors only sound within that suite and do not activate the building's evacuation system. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All suites, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

Goshen Hall – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will

also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

Killinger Hall – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

Schmidt Hall – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

Tyson Hall – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a

means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

South Campus Apartments – All buildings that make up this apartment complex have a fully addressable fire detection system installed throughout the buildings in all apartments, common areas and mechanical areas. Manual Pull Stations are located near all exits and portable fire extinguishers are located in the laundry room as well as in each apartment. All apartments, common areas and mechanical areas have a fully automatic sprinkler system.

University Hall – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

The Village Apartments – All buildings that make up this apartment complex have a fully addressable fire detection system installed throughout the buildings in all apartments, common areas and mechanical areas. Manual Pull Stations are located near all exits and portable fire extinguishers are located in each apartment. All apartments, common areas and mechanical areas have a fully automatic sprinkler system.

The East Village Apartments – All buildings that make up this apartment complex have a fully addressable fire detection system installed throughout the buildings in all apartments, common areas and

mechanical areas. Manual Pull Stations are located near all exits and portable fire extinguishers are located in each apartment. All apartments, common areas and mechanical areas have a fully automatic sprinkler system.

Detection System Facts:

Smoke detectors will react to various amounts of smoke in the air and automatically activate the evacuation alarm when the concentration of smoke in the air is sufficient.

Heat detectors are in place where smoke detectors would not be effective such as bathroom where the generated steam could set a smoke detector off. These detectors automatically activate the evacuation alarm when the air around the detector reaches a pre-determined temperature.

Pull Stations are provided as a manual way to activate the evacuation alarm.

Sprinkler System Facts:

All sprinkler systems in campus housing facilities are wet systems. This means that there is water in the sprinkler piping right up to the sprinkler head.

Sprinkler heads are heat-sensing devices. These devices activate once the air in the immediate area around the sprinkler head reaches a pre-determined temperature. Sprinkler heads will not activate just because there is smoke in the vicinity.

Each sprinkler head operates independently. The activation of one sprinkler head will not cause the remainder of the system to activate.

While the systems that are in operation vary slightly building by building, typically they flow 15-30 gallons of water per minute under normal street pressures. The larger high-rise residence halls also have a fire pump attached to the system that can boost the pressure if needed. Water discharging from a sprinkler system will accumulate quickly and will cause flooding to occur.

Once a sprinkler head activates, the fire alarm system will activate automatically. Once the fire is extinguished, the water flow must be shut down manually. It can take up to 15 minutes for the piping in the affected system to drain completely.

Portable Fire Extinguisher Facts:

Fire extinguishers are selected and located in the residence halls and apartment complexes according to the classification of fires that may be encountered.

Class A – Ordinary combustibles

Class B – Flammable Liquids

Class C – Energized electrical equipment

Class D – Flammable Metals

Class K – Oils and Greases

Most extinguishers located in the residence halls are type ABC, which means they will handle almost any type of fire. Hall kitchen facilities are provided with CO2 extinguishers. Training on how to use a fire extinguisher is available by contacting the office of Environmental Health and Safety at 610-436-2129.

Fire Safety System Facts:

Never hang on the sprinkler pipes and do not hang anything from a sprinkler head. Tampering with the pipes and heads can cause accidental discharge, which will result in significant water damage. More important, this will impair the system and reduce its ability to protect the building and the occupants in the event of a fire.

Keep the area around a sprinkler head clear about 18" in all directions. Obstructions in the water flow path will reduce the effectiveness of the sprinkler system in the event of a fire.

Do not cover, block, or otherwise obstruct sprinkler heads, smoke and heat detectors, pull stations, portable fire extinguishers or any other fire detection or suppression equipment.

Tampering with any Fire Safety equipment will result in disciplinary action under the WCU Student Code of Conduct and possible criminal action under Pa Title 18.

Do not open windows in stairwells during the winter months. Some of these areas are not heated and the cold air may cause the water in the pipes to freeze and this could lead to broken pipes and flooding.

The fire safety systems installed in the Residence Halls and Apartment Complexes are there for everyone's protection. Please do not tamper with them or use them for any purpose other than what they are designed to do. Your cooperation is needed to help ensure that these systems will operate as designed when they are needed.

Health and Safety Inspections

There will be monthly inspections made of rooms and apartments/suites to ensure that everyone is living in conditions that are safe and healthy. Residence Life Staff will be looking for issues such as overloaded electrical outlets, illegal cooking equipment, and standard cleanliness and hygiene issues. These inspections are to ensure the health and safety of the community as a whole. If you are found in violation of health and safety standards, you will have seven days to correct the problem. If the problem is not corrected in that time, you will face disciplinary action.

Fire Safety Education and Training Programs

Fire safety programs for all on-campus student-housing employees are conducted by Environmental Health and Safety staff at the beginning of each semester. These programs are designed to; familiarize the Residence Hall staff with the fire safety systems in each housing facility, provide training on the procedures to be followed in case there is a fire and, to distribute information on how to access the University's fire safety policies. Floor meetings are held by Residence Hall staff with building residents during the first few days of the semester to review the fire safety information provided to them by EHS and to discuss evacuation procedures for the building. During these programs, trainers emphasize that participating in fire drills is mandatory and review the following

evacuation procedures. Members of the Environmental Health and Safety staff are available throughout the year to conduct fire safety training in the residence halls for resident students at the request of residence life staff.

Procedures Students and Employees Should Follow in Case of a Fire

In the event of a fire or other situation requiring the evacuation of occupants and the notification of emergency services personnel (police/fire/ EMS), please follow these directions;

1. If a fire exists and the evacuation alarm has not already sounded automatically, it can be manually activated by using the nearest pull station. Pull stations are located near exits in all campus-housing facilities.
2. Once the evacuation alarm sounds, all occupants are required to evacuate.
3. Occupants are to move swiftly to the nearest emergency exit. Close doors behind you while exiting. DO NOT use the elevator during a fire evacuation as it may malfunction and trap you.
4. Once outside, go to the designated meeting location and remain there until given instructions to move to another location or told that it is safe to return to the building by Public Safety.
5. Assist others who may not be able to evacuate themselves if safe to do so. Get them to an Area of Rescue Assistance on their floor, then contact Public Safety at (610) 436-3311, and report their loca-

tion for further assistance.

6. Call Public Safety at (610) 436-3311 or extension 3311 and report the emergency once you are in a safe place.
7. DO NOT re-enter the building for any reason until Public Safety gives clearance to do so once everything is declared safe.

Fire safety education and training programs are taught by experienced fire services personnel with training and certifications in the Fire Protection and Fire Safety Inspection fields. Fire Safety Training and educational programming is provided to the following groups at least annually.

- All new and returning Residence Life Staff
- Sykes Student Union Student Staff
- Student Health and Wellness Employees

Fire Safety training is also provided to these groups as requested:

- Grill Permit Applicants
- All others upon request

Training can be requested by any student organization or University department by contacting the Fire Safety division of Environmental Health and Safety at: 610-436-2129.

Fire Safety Improvements

Over the last five years The Environmental Health and Safety Department has been upgrading our older fire alarm systems at Main Campus. Modernizing older panels will maximize system reliability and allow for addressable notification, electronic inspections, and digital documentation. Upgrading our network and reporting devices provides Public Safety Dispatchers with an intuitive user interface, remote diagnostics, and a more informed response. The last phase of the project will be carried out during the 2021-2022 session. The fire alarm panels in 102 Rosedale, 220 Rosedale, Matlack Garage, and Sharpless Garage will be upgraded. Sturzebecker's Fire Alarm panel will be upgraded during the upcoming renovation.

ON CAMPUS STUDENT HOUSING FACILITY FIRE SAFETY SYSTEMS

BUILDING NAME	FIRE ALARM MONITORING DONE ON SITE (Public Safety)	SMOKE DETECTORS & PULL STATIONS	HORNS & STROBE LIGHTS	FULL SPRINKLER SYSTEM	PORTABLE FIRE EXTINGUISHERS	EVACUATION PLANS & PLACARDS	FIRE DRILLS CONDUCTED 2019	FIRE DRILLS CONDUCTED 2020
ALLEGHENY HALL 121 West Rosedale Ave.	Yes	Yes	Yes	Yes	Yes	Yes	4	1
BRANDYWINE HALL 709 South New St.	Yes	Yes	Yes	Yes	Yes	Yes	4	1
COLLEGE ARMS 721-733 South High St.	Yes	Yes	Yes	Yes	Yes	No	4	3
COMMONWEALTH HALL 715 South New St.	Yes	Yes	Yes	Yes	Yes	Yes	4	1
GOSHEN HALL 125 North Campus Dr.	Yes	Yes	Yes	Yes	Yes	Yes	4	1
KILLINGER HALL 115 West Rosedale Ave.	Yes	Yes	Yes	Yes	Yes	Yes	5	1
SOUTH CAMPUS APTS 831-852 South Campus Dr.	Yes	Yes	Yes	Yes	Yes	No	4	3
SCHMIDT HALL 225 West Rosedale Ave.	Yes	Yes	Yes	Yes	Yes	Yes	5	1
TYSON HALL 225 North Campus Dr.	Yes	Yes	Yes	Yes	Yes	Yes	4	1
UNIVERSITY HALL 180 University Ave.	Yes	Yes	Yes	Yes	Yes	Yes	4	1
THE VILLAGE APTS 181-193 Carey Dr.	Yes	Yes	Yes	Yes	Yes	No	4	3
EAST VILLAGE APTS 250-258 East Carey Dr.	Yes	Yes	Yes	Yes	Yes	No	4	3

FACILITIES IN BOLD ARE OPERATED BY UNIVERSITY STUDENT HOUSING LLC

ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2020

Residential Facility	Total Fires in Each Building	DPS Incident Number	Cause of Fire	Injuries (treatment at Med. Fac. Req)	Deaths Fire Related	Estimated Value Property damaged by Fire
Goshen Hall 125 North Campus Drive	1	WC-20-00686	Outlet Fire–Malfunction	N/A	N/A	\$100-999
Killinger Hall 115 West Rosedale Avenue	0	N/A	N/A	N/A	N/A	N/A
Schmidt Hall 225 West Rosedale Avenue	0	N/A	N/A	N/A	N/A	N/A
Tyson Hall 225 North Campus Drive	0	N/A	N/A	N/A	N/A	N/A

College Arms Apartments North 721 South High Street	0	N/A	N/A	N/A	N/A	N/A
College Arms Apartments East 731 South High Street	0	N/A	N/A	N/A	N/A	N/A
College Arms Apartments South 733 South High Street	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 831 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 833 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 835 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 837 South Campus Drive	1	WC-20-03525	Microwave Fire - Accidental	N/A	N/A	\$0-99
South Campus Apartments 839 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 840 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 840 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 842 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 844 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 846 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 848 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 850 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 852 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A

Alleghany Hall 121 W. Rosedale Avenue	0	N/A	N/A	N/A	N/A	N/A
Brandywine Hall 709 South New Street	0	N/A	N/A	N/A	N/A	N/A
Commonwealth Hall 715 South New St	0	N/A	N/A	N/A	N/A	N/A
University Hall 180 University Avenue	0	N/A	N/A	N/A	N/A	N/A
Alleghany Hall 121 W. Rosedale Hall	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 182 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 183 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 184 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 185 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 186 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 187 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 188 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 189 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 190 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 191 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 192 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 193 Carey Drive	0	N/A	N/A	N/A	N/A	N/A

East Village Apartments 250 East Carey Drive	1	WC-20-01211	Stove top fire – Accidental	N/A	N/A	\$0-99
East Village Apartments 252 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 254 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 256 East Carey Drive	0	WC-20-00150	Oven Fire– Accidental	N/A	N/A	\$0-99
East Village Apartments 258 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A

ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2019

Residential Facility	Total Fires in Each Building	DPS Incident Number	Cause of Fire	Injuries (treatment at Med. Fac. Req)	Deaths Fire Related	Estimated Value Property damaged by Fire
Goshen Hall 125 North Campus Drive	0	N/A	N/A	N/A	N/A	N/A
Killinger Hall 115 West Rosedale Avenue	0	N/A	N/A	N/A	N/A	N/A
Schmidt Hall 225 West Rosedale Avenue	0	N/A	N/A	N/A	N/A	N/A
Tyson Hall 225 North Campus Drive	0	N/A	N/A	N/A	N/A	N/A
College Arms Apartments North 721 South High Street	0	N/A	N/A	N/A	N/A	N/A
College Arms Apartments East 731 South High Street	0	N/A	N/A	N/A	N/A	N/A
College Arms Apartments South 733 South High Street	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 831 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 833 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A

South Campus Apartments 835 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 837 South Campus Drive	1	WC-19-000353	Stove top fire -un-attended cooking	0	0	\$100-999
South Campus Apartments 839 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 840 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 840 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 842 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 844 South Campus Drive	1	WC-19-000315	Oven Fire-unat-tended cooking	0	0	\$100-999
South Campus Apartments 846 South Campus Drive	1	WC-19-03565	Water Heater Malfunction	0	0	\$1,000-9,999
South Campus Apartments 848 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 850 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 852 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
Alleghany Hall 121 W. Rosedale Avenue	0	N/A	N/A	N/A	N/A	N/A
Brandywine Hall 709 South New Street	0	N/A	N/A	N/A	N/A	N/A
Commonwealth Hall 715 South New St	0	N/A	N/A	N/A	N/A	N/A
University Hall 180 University Avenue	0	N/A	N/A	N/A	N/A	N/A
Alleghany Hall 121 W. Rosedale Hall	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 182 Carey Drive	0	N/A	N/A	N/A	N/A	N/A

Village Apartments 183 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 184 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 185 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 186 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 187 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 188 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 189 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 190 Carey Drive	1	WC-19-01534	Overloaded Dryer	0	0	\$100-999
Village Apartments 191 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 192 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 193 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 250 East Carey Drive	1	WC-19-00274	Candle fell in trash can	0	0	\$0-99
East Village Apartments 252 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 254 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 256 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 258 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A

ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2018

Residential Facility	Total Fires in Each Building	DPS Incident Number	Cause of Fire	Injuries (treatment at Med. Fac. Req)	Deaths Fire Related	Estimated Value Property damaged by Fire
Goshen Hall 125 North Campus Drive	0	N/A	N/A	N/A	N/A	N/A
Killinger Hall 115 West Rosedale Avenue	0	N/A	N/A	N/A	N/A	N/A
Schmidt Hall 225 West Rosedale Avenue	1	WC-18-03244	Microwave Fire - Overcooking	0	0	\$0-99
Tyson Hall 225 North Campus Drive	0	N/A	N/A	N/A	N/A	N/A
College Arms Apartments North 721 South High Street	0	N/A	N/A	N/A	N/A	N/A
College Arms Apartments East 731 South High Street	0	N/A	N/A	N/A	N/A	N/A
College Arms Apartments South 733 South High Street	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 831 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 833 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 835 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 837 South Campus Drive	1	WC-18-03188	Oven Fire-unattended cooking	0	0	\$500-1,000
South Campus Apartments 839 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 840 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 840 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 842 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 844 South Campus Drive	1	WC-18-03115	Grease fire - Dirty stove top	0	0	0

South Campus Apartments 846 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 848 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 850 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
South Campus Apartments 852 South Campus Drive	0	N/A	N/A	N/A	N/A	N/A
Alleghany Hall 121 W. Rosedale Avenue	0	N/A	N/A	N/A	N/A	N/A
Brandywine Hall 709 South New Street	0	N/A	N/A	N/A	N/A	N/A
Commonwealth Hall 715 South New St	0	N/A	N/A	N/A	N/A	N/A
University Hall 180 University Avenue	0	N/A	N/A	N/A	N/A	N/A
Alleghany Hall 121 W. Rosedale Hall	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 182 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 183 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 184 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 185 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 186 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 187 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 188 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 189 Carey Drive	0	N/A	N/A	N/A	N/A	N/A

Village Apartments 190 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 191 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
Village Apartments 192 Carey Drive	1	WC-18-00474	Grease fire - Dirty stove top	0	0	\$100-249
Village Apartments 193 Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 250 East Carey Drive	1	WC-18-03853	Microwave Fire - Overcooking	0	0	\$100-249
East Village Apartments 252 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 254 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 256 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A
East Village Apartments 258 East Carey Drive	0	N/A	N/A	N/A	N/A	N/A

WEST CHESTER UNIVERSITY JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

West Chester University does not discriminate based on gender in its educational programs and sexual misconduct and sexual violence are types of gender discrimination. Other acts can also be forms of gender-based discrimination and are prohibited, whether sexually based or not, and include dating violence, domestic violence, and stalking.

As a result, West Chester University issues this statement of policy to inform the community of the University's comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a West Chester University official. In this context, West Chester University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community. For a complete copy of West Chester University's policy governing student and employee sexual misconduct, visit:

https://wcupa.edu/_admin/diversityEquityInclusion

DEFINITIONS

Below are definitions provided by the Department of Education as well as definitions from the West Chester University Sexual Misconduct Policy.

Department of Education Definitions SEXUAL MISCONDUCT DEFINITIONS

Dating Violence – (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. Dating Violence is categorized as Regulatory when it occurs in the United

States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

Domestic Violence – As defined by the Clery Act, A Felony or misdemeanor crime of violence committed—

- A) By a current or former spouse or intimate partner of the victim;
- B) By a person with whom the victim shares a child in common;
- C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. Under Pennsylvania law this includes any violence committed

by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is co-habiting with or has cohabitated with the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

Retaliation – Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred.

Sexual Assault – (As defined in the Clery Act) – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent."

- Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent. (As defined in the Clery Act) – This includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:

A. Sexual Penetration Without Consent

— Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.

B. Sexual Contact Without Consent

— Knowingly touching or fondling a person’s genitals, breasts, buttocks, or anus, or knowingly touching a person with one’s own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.

C. Statutory Sexual Assault – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania’s institutional sexual assault statute³.

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or

Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

Sexual Exploitation – Engaging in sexual behaviors directed toward or involving another person or use of another person’s sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- A. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s Consent;
- B. Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
- C. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person’s Consent;
- D. Prostituting another individual; or
- E. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge; and
- F. Inducing incapacitation for the purpose of making another person vulnerable to non- consensual sexual activity.

Regulatory Prohibited Conduct – For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.

Regulatory Quid Pro Quo Sexual Harassment — An Employee conditioning the provision of aid, benefit or service of the University on an individual’s participation in unwelcome sexual conduct.

Non-Regulatory Quid Pro Quo Sexual Harassment — An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual’s participation in unwelcome sexual conduct.

Regulatory Hostile Environment Sexual Harassment — Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity.

Non-Regulatory Hostile Environment Sexual Harassment — Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program in offered connection with the University.

Stalking – as defined by the Clery Act means Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition—

- *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

³ The Pennsylvania Crimes Code can be found at this link: <https://bit.ly/305G9pu>

OTHER DEFINITIONS

Advisor — An individual who may be present to provide support to a Party throughout an investigation and/or hearing.

- A. Advisors may accompany a Party to any meeting or hearing they are required or eligible to attend, but may not speak for the Party, except for the purposes of cross-examination.
- B. Each party is responsible for coordinating and scheduling with their choice of Advisor.
- C. The Advisor may be an attorney or a union representative when applicable.
- D. If a party does not have an Advisor of choice present for a hearing, the University will appoint an Advisor for the limited purposes of conducting cross-examination.
- E. If a Party does not attend the hearing, the Party's Advisor may appear and conduct cross-examination on the Party's behalf.
- F. If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party for the limited purposes of conducting cross-examination.
- G. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against a Party, nor is the Advisor prohibited from being a Witness in the Sexual Misconduct Resolution Process.

Appeals Officer – The individual or individuals with the authority under law or otherwise appointed by the University to decide appeals. The Appeals Officer will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, Advisor to any Party or a Decision Maker in the same matter.

Complainant – An individual who has reported being or is alleged to be subjected to conduct that could constitute covered sexual misconduct as defined under this Policy.

Consent as defined in the West Chester University Sexual Misconduct policy – A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood.

In order to be valid, Consent must be active, present and ongoing.

Consent is not present when it is the result of coercion, intimidation, force, or threat of harm.

Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity.

When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered. The definition of consent under the criminal statutes of the Commonwealth of Pennsylvania can be found in Appendix F.

Decision Maker – The individual or individuals appointed by the University to render a decision on a Formal Complaint that goes to a hearing. Also known as Hearing Officer. The Decision Maker(s)/Hearing Officer(s) will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, an Advisor to any Party or Appeals Officer in the same matter.

Disciplinary Sanction — The penalty imposed on an individual for violating this Policy. For Students, Disciplinary Sanctions are subject to applicable University/System policies, up to and including expulsion from the University. For Employees, Disciplinary Sanctions are subject to applicable collective bargaining agreement or University/System policies, up to and including separation from employment. For Officials or Volunteers, this may include the removal or the request for removal of the Official or Volunteer from their respective position.

Education Program or Activity – For purposes of this Policy, the term “Education Program or Activity” includes any activity that occurs in, on or within:

- A. Any on-campus premises;
- B. Any off-campus premises the University

has substantial control over. This includes buildings or property owned or controlled by a recognized student organization or a recognized affiliated entity.

- C. Computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University's programs and activities over which the University has substantial control.

Employee — An individual who is employed by the State System (either at a State System University or in the Office of the Chancellor) including, but not limited to, faculty members, coaches, staff, managers and student employees.

Final Rule – The Final Rule issued on May 19, 2020 by the U.S. Department of Education under Title IX of the Education Amendments of 1972

Formal Complaint — means a document, including an electronic submission, filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging sexual misconduct against a Respondent and requesting initiation of the process set forth in this Policy to investigate the allegation of sexual misconduct.

Hearing Officer – A University employee or graduate student who is appointed by the University, trained and authorized to with the information presented in a conduct meeting or University hearing. The Hearing Officer, referred to as the Decision Maker(s)/Hearing Officer(s) will be free from conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, Advisor to any Party or Appeals Officer in the same matter.

Investigator — The Title IX Coordinator or the individual designated by the Title IX Coordinator to perform an investigation under this Policy. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer or Advisor to any Party in the same matter.

Notice of Allegations – The written notice the Title IX Coordinator or designee is required to provide to the Parties following receipt of a Formal Complaint. See Notice of Allegations section below.

Notice of Hearing – The written notice required to be provided to the Parties prior to the hearing. See Notice of Hearing section below.

Official — A member of a Council of Trustees or of the Board of Governors or their respective designees.

Parties or Party — A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.

Respondent — Any individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct as defined under this Policy.

Student – Any person: (1) seeking admission

to the University through the formal University application process; (2) admitted to the University, (3) eligible to register or schedule for classes, or

(4) living in University or University-affiliated residence halls even though they are not enrolled at the University. The term “Student” shall include Employees, Volunteers and Officials where the Employee, Volunteer or Official otherwise meets the enrollment criteria set forth in this definition.

Supportive Measures — Non-disciplinary and non-punitive individualized services designed to restore or preserve access to the University’s Education Programs or Activities without unduly burdening the other

Party. Supportive Measures will be offered, as appropriate, to the Complainant or the Respondent, regardless of whether a Formal Complaint is filed. Supportive Measures may include, but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact orders), changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus.

Support Person – Optional in cases of harm and/or sexual misconduct is a person who may be present to provide support to a Party when submitting a report, meetings related to the process and hearings. This person does

EDUCATION AND PREVENTION PROGRAMS WCU

West Chester University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome and;
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students, new employees, and ongoing awareness and prevention campaigns for students and employees that:

1. West Chester University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act;
2. Uses definitions provided both by the Department of Education and state law behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines that behavior and actions that constitute consent to sexual activity in the State of Pennsylvania and using the definition of consent found in the Student Code of Conduct and the purpose for which that definition is used;
4. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm, including a risk of dating violence, domestic violence, sexual assault, or stalking.
5. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and

cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

6. Defines risk reduction as options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
7. Information regarding:
 - a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs;
 - b. How the institution will protect the privacy of victims and other necessary parties;
 - c. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
 - d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective; and;
 - e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students. The requirement for new students to complete an on-line education module with a focus on sexual misconduct (policy, resources and reporting information); participating in and presenting information and materials during new employee orientation; and engaging in ongoing awareness activities with all employees and students.

not participate in any proceeding, nor advise a Party or be a witness in a matter.

Title IX Coordinator – The individual designated by the University with assistance of the Deputy Title IX Coordinators, to coordinate the University’s compliance with Title IX and VAWA and to respond to reports of violations. The Title IX Coordinator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Title IX Coordinator may serve as the Investigator of a Formal Complaint. The Title IX Coordinator may serve as the Investigator of a Formal Complaint for Formal Complaints against Respondents who are Employees. The Title IX Coordinator may not serve as a Decision Maker/Hearing Officer or Appeals Officer.

Volunteer — A recognized volunteer or any individual who represents or acts on behalf of the university or whose actions may bind the university, regardless of whether the individual receives monetary or other compensation. For purposes of this Policy, employees and officials of recognized affiliated entities, ROTC instructors, visiting professors and unpaid camps and conference personnel will be considered volunteers.

Witness – A person who has knowledge related to specific aspects of a case and may have reported such aspects to the institution.

► **DEFINITION OF TERMS AS DEFINED BY THE PENNSYLVANIA CRIME CODES ARE FOUND IN APPENDIX F**

West Chester University offered the following primary prevention and awareness programs for all incoming students in 2020:

NAME OF PROGRAM: Responsible Rams” (Online Orientation Module)

DATES HELD: 8/12–9/30

LOCATION HELD: online module (D2L)

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking.

West Chester University offered the following primary prevention and awareness programs for all new employees in 2020:

NAME OF PROGRAM: Sexual Misconduct Prevention & Response/ ODEI Overview – New Faculty Orientation

DATES HELD: 8/11

LOCATION HELD: online

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking

West Chester University offered the following ongoing prevention and awareness programs for employees in 2020:

NAME OF PROGRAM: Title IX New Regulations Open Forum / Town Hall

DATES HELD: 10/28

LOCATION HELD: online (Zoom Webinar)

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking

NAME OF PROGRAM: Sexual Harassment Prevention

DATES HELD: 1/13/20, 10/20/20

LOCATION HELD: virtual via zoom

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking

NAME OF PROGRAM: Sexual Misconduct Prevention & Response/ ODEI Overview

DATES HELD: 7/29

LOCATION HELD: zoom

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking.

West Chester University offered the following ongoing prevention and awareness programs for students in 2020:

NAME OF PROGRAM: Title IX New Regulations Open Forum / Town Hall

DATES HELD: 10/28

LOCATION HELD: online (Zoom Webinar)

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking.

NAME OF PROGRAM: Sexual Misconduct Policy and Procedures

DATES HELD: 9/14, 9/24, 9/30, 10/16

LOCATION HELD: virtual zoom trainings

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking

NAME OF PROGRAM: Sexual Misconduct Prevention & Response/ ODEI Overview

DATES HELD: 8/19

LOCATION HELD: zoom

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking

NAME OF PROGRAM: Sexual Misconduct Prevention & Response/ ODEI Overview

DATES HELD: 8/25

LOCATION HELD: zoom

PROHIBITED BEHAVIOR COVERED: Domestic Violence, Dating Violence, Sexual Assault and Stalking

NAME OF PROGRAM: Sexual Misconduct Prevention & Response

DATES HELD: 8/25

LOCATION HELD: zoom

PROHIBITED BEHAVIOR COVERED:

Domestic Violence, Dating Violence, Sexual Assault and Stalking

NAME OF PROGRAM: Sexual Misconduct Prevention & Response – Athletes, online course prepared by ODEI

DATES HELD: due by end of fall semester 2020

LOCATION HELD: zoom

PROHIBITED BEHAVIOR COVERED:

Domestic Violence, Dating Violence, Sexual Assault and Stalking

NAME OF PROGRAM: Prevention & Response – ADP (Academic Development Program) Peer Assistants (student employees)

DATES HELD: 10/2

LOCATION HELD: zoom

PROHIBITED BEHAVIOR COVERED:

Domestic Violence, Dating Violence, Sexual Assault and Stalking

County Hospital to access this service. It is important that a survivor of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted, if the offense occurred within the past 96 hours. The evidence may be preserved that may assist in proving that the alleged criminal offense occurred/ or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if complainants do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/ or sexually transmitted disease. Survivors of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful for a Title IX investigation, University hearing boards or police.

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant's choice whether or not to make such a report and complainants have the right to decline involvement with the police. The University will assist any complainant with notifying local police if they so desire, the responsibility will be assigned to the West Chester University Detective assigned to the investigation.

To report an incident that occurred on campus, employees and students should contact the Department of Public Safety at (610-436-3311), dial 911, or contact the police in the area where the assault took place. Criminal charges can be filed against any type of perpetrator, including non-University members. Criminal charges of sexual assault are entirely separate from violations of the Student Code of Conduct, which only applies to West Chester University students. Filing a formal report with the police is necessary when a complainant would like to initiate a criminal investigation by the police. Perpetrators can receive punishment up to and including jail time. Anyone who has been sexually assaulted may choose to pursue both criminal prosecution and University disciplinary processes. The following local Police

PROCEDURES FOR REPORTING A COMPLAINT

West Chester University has procedures in place that are sensitive to those who need to report sexual assault, domestic violence, dating violence, and stalking. This includes informing individuals about their right to file criminal charges as well as the availability of counseling, physical health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus. In addition, remedies to prevent contact between a complainant and an accused party (respondent), such as housing, academic, transportation and working accommodations. The University will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to the West Chester University Department of Public Safety (Police) or local law enforcement or not. Students, employees, and third parties should contact the Title IX Coordinator, Lynn Klingensmith, Director of Equity and Compliance, 114 West Rosedale Ave, 610-436-2433. LKlingensmith@wcupa.edu.

Students and employees should know that reporting to the Title IX Coordinator means that West Chester has a duty to assess the information provided and may have to investigate the complaint or otherwise determine what happened. The University would like the consent of the complainant to be able to move forward with investigating and resolving the complaint, but there are times when the safety of the greater community outweighs the victim's request for confidentiality. Hence, when an employee or student reports to the Title IX Coordinator or any other responsible employee, the information will be kept as private as possible but cannot be guaranteed to be confidential.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the complainant should consider seeking medical attention as soon as possible at Paoli Hospital, located at 255 West Lancaster Avenue in Paoli, PA. In Pennsylvania, forensic evidence may be collected from the body of a victim even if the individual chooses not to make a report to law enforcement. A forensic exam is conducted by a sensitive and highly trained SANE nurse (Sexual Assault Nurse Examiner) and students and employees may go directly to Chester

Departments may be contacted, West Chester Borough Police (610) 696-2700/911, West Goshen Township Police (610) 692-7400/911, Westtown-East Goshen Police (610) 692-9600 or West Whiteland Township Police (610) 363-9525/911.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Any individual, including a third party, may make a report concerning sexual misconduct. Complainants and third-parties are encouraged to report sexual misconduct as soon as possible to allow the University to respond promptly and effectively.

The Title IX Coordinator (or designee) has authority to institute corrective measures for reports of alleged violations of this Policy. Mandated reports to the Title IX Coordinator by Officials, Volunteers and Employees shall not automatically result in corrective measures being instituted. Individuals are encouraged to report sexual misconduct directly to the Title IX Coordinator, through the University's electronic and anonymous reporting systems or by filing a Formal Complaint.

1. Reports to the Title IX Coordinator

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the person subjected to conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: Lynn Klingensmith, Esq.
Title: Director for Equity and Compliance,
West Chester University
Office Address: 114 W. Rosedale Avenue
Email Address: lklingensmith@wcupa.edu
Telephone Number: 610-436-2433

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

The University's Title IX Coordinator is trained to work with individuals who report

sexual misconduct and have knowledge about resources and services, both on and off campus, including the availability of Supportive Measures.

If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely warning to the community to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant.

PLEASE NOTE: *Title IX Coordinators are not a confidential source of support. While they will address matters reported with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. To speak with an individual designated as having confidentiality, please contact Student Health Services, Counseling & Psychological Services Center or the West Chester University Community Mental Health Center.*

PLEASE ALSO NOTE: *Making a report is different from filing a Formal Complaint (see the section titled Filing a Formal Complaint). A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator or designee by any person. A report may be accompanied by a request for (1) Supportive Measures; (2) no further action; (3) filing a Formal Complaint a request to initiate an informal resolution process; and/or (4) a request to initiate an informal resolution process after filing a Formal Complaint. Filing a Formal Complaint initiates the University's formal investigation process. (See Sexual Misconduct Resolution Process).*

2. Electronic and Anonymous Reporting

You may also file a report about sexual misconduct using the appropriate links below. While anonymous reports are accepted, the University's ability to address misconduct reported anonymously is significantly limited.

Individuals may use this Sexual Misconduct Reporting Form to electronically file a report of sexual misconduct with the University.

Individuals may also file a report electronically by email to: tix@wcupa.edu

Additionally, paper copies can be downloaded from the site or by visiting any of the offices listed in the On-Campus Resources section of the policy. Paper copies of the form via campus or postal mail should be directed to Lynn Klingensmith, Director for Equity and Compliance/Title IX, 114 West Rosedale Ave, West Chester University, West Chester, PA 19383.

The Sexual Misconduct Incident Report Form is used to collect statistical information, which must be passed along to campus law enforcement for publication in the annual Campus Security Report as required by the Jeanne Clery Act. Such information helps to provide the community with a clear picture of the extent and nature of campus crime in order to ensure greater safety. No names or other personally identifying information is used in the Campus Security Report, which can be found on the Department of Public Safety website at www.wcupa.edu/dps/.

The Sexual Misconduct Incident Report Form can be completed by a student, staff, faculty, community member, parent, or anyone with information to report. Those who have been identified as Campus Security Authorities (CSAs) should not fill out the Sexual Misconduct Incident Report Form. Instead, CSAs are required to submit an online Clery Act Report www.wcupa.edu/Login.aspx?ReturnUrl=%2fcsa If you have any questions about Campus Security Authorities (CSAs) or the Clery Act Report, please contact the Director of Public Safety at 610-436-3478.

Anonymous reports are used to collect information on instances of sexual misconduct. The information is useful for assessing the danger the incident represents to the community at large. In addition, information is also used for assessment purposes to ensure that West Chester University is maintaining a campus climate that is safe and supportive and providing adequate resources for students.

The University has a legal obligation to investigate anonymous reports of sexual misconduct to the extent feasible. It is not usually possible to conduct a formal investigation of anonymous reports of sexual misconduct, or in situations where a complainant requests confidentiality, or when a person making a report asks that the complaint not be pursued; however, the University has a responsibility to take action to prevent misconduct.

In the event of anonymous reports of sexual misconduct, or if the person making the report asks that the complaint not be pursued, the Director for Equity and Compliance/Title IX Coordinator will take all reasonable steps to investigate and respond to the complaint consistent with the request.

3. Filing a Formal Complaint

The timeframe for the Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will

be concluded within a reasonably prompt manner, and usually no longer than 90 days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, as set forth more fully in the Continuances and Granting Extensions section. Appeals may extend the timeframe for resolution.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further, but will receive all notices issued under this Sexual Misconduct Resolution Process. PLEASE NOTE: The Title IX Coordinator does not lose impartiality solely due to signing a Formal Complaint.

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the Informal Resolution Process (see the Informal Resolution section below).

4. Criminal Reporting Options

A Complainant may also seek to initiate a criminal complaint, independent of or parallel with any report made to the University.

West Chester University Police Department
Peoples Building, 690 S. Church Street
West Chester, PA 19383 610-436-3311 or
X3311

WCU Police Department can assist in contacting the appropriate police department where the incident took place.

PLEASE NOTE: *The University's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement's decision whether to prosecute, nor the outcome of any criminal prosecution, is determinative of whether sexual misconduct has occurred under this Policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University will generally proceed with Formal Complaint even during the time of a pending law enforcement investigation.*

The University may not be informed of reports made with law enforcement agencies.

5. External Reporting Options

A person may also file a complaint with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-421-3481 : 1-877-521-2172 TTY or emailing OCR.Philadelphia@ed.gov or visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

A person may also file a complaint with the Pennsylvania Human Relations Commission by calling 717- 787-9780 for the Harrisburg Regional Office; 412-565- 5395 for the Pittsburgh Regional Office; or 215- 560-2496 for the Philadelphia Regional Office; or by visiting <https://www.phrc.pa.gov/Pages/default.aspx>.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>.

The University may not be informed of reports made with external agencies.

6. Truthfulness

All participants in the reporting and resolution processes have the responsibility to be truthful with the information they share at all stages of the process. A report of a violation under this Policy is not considered a bad faith report merely because the evidence does not ultimately support the allegation. Individuals are prohibited from knowingly making a false report, filing a false Formal Complaint or making misrepresentations. If an investigation results in a finding that a person has willfully filed a bad faith report, filed a false Formal Complaint or made misrepresentations as part of the reporting or resolution process, the person may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy and collective bargaining agreements in the case of Officials, Employees or Volunteers.

7. Multiple Party Complaints

The Title IX Coordinator may consolidate Formal Complaints involving multiple parties where the allegations of sexual misconduct arise from the same facts or circumstances; in such consolidated matters, the Sexual Misconduct Resolution Process applies to more than one Complainant and/or more than one Respondent, but each party is still an "individual" and not a group or organization. The decision of the Title IX Coordinator to consolidate Formal Complaints is not subject to appeal.

UNIVERSITY REPORTING OBLIGATIONS

1. Mandated Reporting Obligations of University Officials, Volunteers and Employees

All University Officials, Volunteers and Employees (including student employees) are obligated to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator/designee, unless:

1) they serve in a role that makes such reports privileged or are recognized as providing a confidential resource (see Statement on Privacy and Confidentiality); or 2) they are a faculty member and learn of the report from a student during a classroom discussion, in a writing assignment for a class, or as part of a University-approved research project.

PLEASE NOTE: *These reporting exceptions do not apply to reports of sexual misconduct involving an individual who was, or is, a child (a person under 18 years of age) when the abuse allegedly occurred. When a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all the University Employees, Officials and Volunteers are required to notify the University police and the ChildLine run by the Pennsylvania Department of Human Services (1-800-932-0313). All other members of the University community are strongly encouraged to report suspected child abuse to law enforcement or the ChildLine.*

University Employees designated as Campus Security Authorities (CSAs) under the Clery Act are required to report certain crimes for federal statistical reporting purposes.

2. University Obligations Regarding Timely Warnings

Parties reporting Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking should be aware that under the Clery Act, the University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. If a report of sexual misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Complainant.

JURISDICTION AND DISMISSALS

In certain circumstances where violations defined under the Final Rule as Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) do not meet jurisdictional requirements, the University must dismiss those allegations contained in the Formal Complaint.

In certain circumstances the Title IX Coordinator may dismiss a Formal Complaint, or any specific allegations raised in the Formal Complaint at any time during the investigation or hearing.

Any Party may appeal a dismissal determination. See the Determining Jurisdiction and Mandatory

Dismissal for Certain Allegations under the Sexual Misconduct Resolution Process Section for more information.

Reports of all domestic violence, dating violence, sexual assault and stalking made to the Department of Public Safety will automatically be referred to the Title IX Coordinator regardless of if the complainant chooses to pursue criminal charges. The University will provide resources (on campus, off campus or both), to include medical, health, counseling, legal assistance, victim advocacy and visa and immigration assistance. For persons who have been survivors of sexual assault, domestic violence, dating violence, or stalking, the University will apply appropriate disciplinary procedures to those who are found responsible for violations of the Sexual Misconduct Policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a complainant chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Public Safety or other law enforcement to preserve evidence. Evidence shall be collected in the event the complainant changes her/his mind at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that

the University will follow as well as a statement of the standard of evidence that will be used during any student conduct hearing on campus arising from such a report:

- The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.
- In all disciplinary proceedings involving allegations of sexual assault, dating violence, domestic violence and stalking, the University utilizes the preponderance of the evidence standard.

Local Police Agencies

West Chester Police

410 East Gay Street
West Chester, PA 19382
610-696-2700 / 911

West Goshen Twp. Police

1025 Paoli Pike
West Chester, PA 19380
610-692-7400 / 911

Westtown East Goshen Police

1041 Wilmington Pike
West Chester, PA 19382
610-692-9600 / 911

West Whiteland Twp. Police

101 Commerce Drive
Exton, PA 19341
610-363-9525 / 911

SUPPORTIVE MEASURES PROVIDED FOR SEXUAL ASSAULT, STALKING, DATING VIOLENCE AND DOMESTIC VIOLENCE

Sexual Assault

- If requested, WCU will provide complainant with access to medical care.
- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report a SEXUAL ASSAULT/RAPE to the West Chester University Department of Public Safety, the Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus

services/providers.

- WCU will assess the need to implement interim or supportive measures, such as housing changes, change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.
- WCU will provide “No Trespass” directives or an “Emergency Removal” to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for the filing of a sexual misconduct complaint.
- WCU will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal. The standard of evidence used is preponderance of the evidence, therefore, a decision of responsibility will be based upon presented evidence sufficient to make a reasonable person believe that it was more likely than not a student is in violation of University policy.

Stalking

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report STALKING to the West Chester University Department of Public Safety, the Office of Student Conduct, the Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services/providers.

- WCU will assess the need to implement interim or supportive measures, such as housing changes, change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.
- WCU will provide “No Trespass” directives or an “Emergency Removal” to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will provide both the respondent and complainant an opportunity to review the investigation report prior to a hearing.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for the filing of a sexual misconduct complaint.
- WCU will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal.

Dating Violence

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report DATING VIOLENCE to the West Chester University Department of Public Safety, the Office of Student Conduct, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services and providers.
- WCU will assess the need to implement interim or supportive measures, such as housing changes, change in class schedule, “No Contact/Stay Away” direc-

tives between both parties if reasonably available.

- WCU will provide “No Trespass” directives or an “Emergency Removal” to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will receive input from the complainant on their desire to move forward with Student Code of Conduct charges and/or appropriate personnel hearing.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination.
- West Chester University will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal.

Domestic Violence

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report DOMESTIC VIOLENCE to the West Chester University Department of Public Safety the Office of Student Conduct, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services/providers.
- WCU will assess the need to implement interim or supportive measures, such as housing changes, change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.

- WCU will provide “No Trespass” directives or an “Emergency Removal” to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will receive input from the complainant on their desire to move forward with Student Code of Conduct charges and/or appropriate personnel hearing.
- WCU will provide both the respondent and complainant an opportunity to review the investigation report prior to a hearing.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination.
- WCU will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal.

ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

Regardless of whether a complainant elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist survivors of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- The procedures survivors should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the institution will protect the privacy of complainants and other necessary parties;

- A statement that the institution will provide written notification to students and employees about survivor services within the institution and in the community;
- A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and;
- An explanation of the procedures for institutional disciplinary action.

West Chester University complies with Pennsylvania law in recognizing orders of protection by advising any person who obtains an order of protection from any state within the U.S. to provide a copy to Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for campus police and the complainant to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom locations, or allowing a student to complete assignments from home. Other options may be available for a student on a case-by-case basis as the University determines what other measures must be taken.

The University cannot apply for a legal order of protection/protection from abuse (PFA) from the applicable jurisdiction(s). The complainant is required to apply directly for these services and can be assisted by Public Safety if so desired. To obtain a Protection from Abuse (PFA) Order, Monday through Friday between 8:30a.m. and 2:00p.m., the complainant must go to Family Court located on the 5th Floor of the Chester County Justice Center, 201 W. Market Street, West Chester, PA. To obtain a PFA after 4:30 p.m. on a business day, on the weekend, or on a day in which the Chester County Courthouse is closed, the complainant must go to the on-call District Justice for an Emergency PFA. The complainant should call his or her local police department to find out who is the district justice on-call. The Emergency PFA is only valid through the close of the next business day. For example, if a victim obtains an Emergency PFA on a Friday evening, that PFA is only valid through Monday at 4:30 p.m.

FAQ's REGARDING PROTECTION FROM ABUSE

What is abuse?

Under the Protection from Abuse Act, abuse is defined as any of the following:

- Attempting to, intentionally or recklessly causing bodily injury, rape, spousal sexual assault, or nonconsensual intercourse with or without a deadly weapon.
- Placing another, by physical threat, in fear of imminent serious bodily injury.
- False imprisonment.
- Physically or sexually abusing minor children.
- Stalking a person and placing that person in reasonable fear of bodily injury.

** The Act does not cover emotional, verbal, or mental abuse.*

Who can file for protection under the act?

You can file for protection if the person who has or is trying to harm you is or was your spouse, is or was living with you in a common-law marriage, is the parent of your child, is your child, is your parent, is your sexual intimate partner, is directly related to you by blood. If the abused person is a minor, then a parent, adult household member or guardian can file on behalf of the child.

Is there a cost for filing a Protection from Abuse order?

No. You will not have to pay any fees at the time of filing. However, at the time of the hearing, the court will order the alleged assailant to pay the costs, if you are successful and the court grants you the protection from abuse order, the costs are usually placed upon the alleged assailant. The court costs must be paid even if you choose to withdraw your petition and decide not to proceed with the case. If you do not appear at your scheduled hearing, your case will be dismissed.

How and where do I file for a Protection from Abuse Order?

If you are represented by counsel in any domestic relations matter (i.e. divorce, custody, support), you should contact your attorney for legal advice. However,

if you do not have a lawyer, you must appear in person at the Chester County Justice Center, Family Court Administration Office, 201 West Market Street, 5th Floor, Suite 5301, West Chester, PA 19380-0989. There are no attorneys on staff to provide legal advice for you; the PFA Coordinator will assist you in filing the paperwork that is needed. The PFA Coordinator may not give you legal advice.

You must be abused (read definition above) in order to qualify for the PFA. The coordinator will assist you in completing the necessary paperwork and will explain the remedies to you under the PFA Act. After completing the paperwork, the coordinator will present your petition to the judge on your behalf.

You may call Family Court for an appointment. Protection orders can be filed Monday through Friday (8:30a.m.-2:00p.m.)

Please take into consideration that the filing procedure for the protection from abuse order is a lengthy process lasting anywhere between 2-3 hrs. For this reason, no petitions for protection orders may be started later than 2:00 p.m. Any later and the party runs a risk of the court closing before completing the procedure.

What should I bring with me when I go to file for a Protection from Abuse Order?

Please come prepared with the following information:

- Names (all persons and parties)
- Date of birth (all persons and parties)
- Social security numbers (all persons and parties)
- Address where the person may be found (including places that they frequent)
- Any documentation relating to the case (i.e. medical reports, police reports, or photographs)
- Photograph of alleged assailant
- Vehicle make, model, style, and license plate
- Number of alleged assailants
- Photograph of alleged injury from the assault

Because the Justice Center does not have a day care program available, unless your minor child is the victim of the alleged abuse, please make appropriate child-care arrangements to leave the child at home. If that is not possible, please bring someone to watch them while you are being assisted.

What help is available at night, on weekends, or when the Justice Center is closed?

In case of an emergency or if you have been assaulted, contact your local police department or 911. If you are in immediate and present danger of abuse, a Petition for Emergency Relief from Abuse may be filed with the on call district court (police will provide you with the name of the on call emergency signing district justice). If the district justice believes that you are in immediate danger, he/she will grant you an emergency protection from abuse order. This protection order will expire at 4:30 p.m. the following business day. Be sure to contact the Family Court Administration Office as soon as possible, if you do want to pursue a permanent PFA Order.

How do I receive a temporary protection order after filing a petition for protection from abuse?

After filing a petition for protection from abuse, a judge will review the case to determine if a temporary protection order should or should not be granted. If the judge believes a Temporary Order should be issued, he/she will issue a temporary protection order. All cases will then be scheduled before a judge in the Chester County Justice Center within 10 days.

How is the alleged assailant notified of the temporary protection from abuse order?

The alleged assailant must be served with notice of the temporary protection order and the hearing date. The sheriff's depart-

ment or a local law enforcement agency will serve the court order on the alleged assailant. Once the alleged assailant is served, he/she can be arrested if there is another assault in violation of the terms of the court order.

How do I get a final protection from abuse order?

A hearing will be held in front of a judge within ten days of filing your petition with the court, and the judge will listen to the facts of your case. If the judge finds that abuse has occurred, a final protection from abuse order will be issued. The length of the order can be from one (1) to eighteen (18) months.

What protection will I receive?

- A Protection from Abuse Order may contain the following relief:
- Direct the alleged assailant not to abuse, threaten, harass, or stalk you.
- Direct the alleged assailant to stay away from the house or apartment where you live, even if that is also the alleged assailant's home.
- Direct the alleged assailant to stay away from your school or where you work.
- Direct the alleged assailant to refrain from harassing you or your relatives.
- Prohibit the alleged assailant from having any guns or gun permits.
- Direct the alleged assailant to pay you for losses resulting from the abuse. These could include medical bills and lost wages.
- Direct the alleged assailant to attend a batterer's counseling program (depending on jurisdiction).
- Award you temporary custody of your children and may grant you temporary support for yourself and/or the children of the alleged assailant (THIS MAY NOT APPLY IN ALL CASES).

Terms of order may vary depending on each specific circumstance. If you are awarded custody/support, you must follow up by filing the appropriate custody/support actions in a timely manner. Do not wait until your order expires. Speak to an attorney prior to taking these actions for legal advice.

Will my protection order be enforced in another county or state?

In most cases, yes. The Pennsylvania State Police maintain a registry of all protection from abuse orders issued throughout the Commonwealth of Pennsylvania.

Most out-of-state courts will enforce a valid protection order that is issued and properly filed in another state.

What if the alleged assailant violates the order?

You should immediately call the police and report the violation. A police officer may arrest the alleged assailant, even if he/she does not witness the abuse. An alleged assailant charged with the contempt of a protection order can face criminal charges for the acts committed that were in violation of the order. After a hearing, the court may find the alleged assailant in contempt and sentence him/her to prison for up to six months and/or fined up to \$1,000 under Pennsylvania law.

How can I get a copy of my PFA order?

All civil matters, including your PFA, are filed in the Chester County Office of the Prothonotary, located on the first floor of the Justice Center at 201 W. Market Street in West Chester, PA. You may go in person and request your copies. Usually you are provided copies and instructions when you leave courthouse.

What Domestic Violence Programs exist in Chester County?

These services include crisis hotlines, safe homes or shelters, legal advocacy, community education, counseling,

systems intervention, transportation, as well as information and referral. A domestic violence counselor may be available to help an abused person seek a protection order. Your local domestic violence hotline is available 24 hours a day, and all services are confidential. For more information contact:

The Crime Victims' Center of Chester County 24 Hour Crime Hotline:
(610) 692-7420

The Crime Victims' Center of Chester County 24 Hour Sexual Assault Hotline:
(610) 692-7273

The Domestic Violence Center of Chester County
(Toll Free) (888) 711-6270

How can I find a Lawyer?

Chester County Lawyer Referral
Service at the Chester County Bar Association
(610) 429-1500

Chester County Legal Aid
(610) 436-4510
14 E. Biddle St.
West Chester, PA 19380

More information on obtaining a Protection from Abuse Order in the State of Pennsylvania can be found here: www.chesco.org/3655/Protection-from-Abuse.

FAQ's REGARDING PROTECTION FROM SEXUAL VIOLENCE OR INTIMIDATION (PSVI)

Victims of sexual violence and intimidation are eligible for relief who do not have a family or household member relationship with the defendant, i.e., who ARE NOT spouses, ex-spouses, living or lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. Victims of sexual violence and intimidation who have a family or household relationship with a defendant would instead be eligible for civil relief under the Protection from Abuse Act.

What is sexual violence?

Sexual violence is defined as conduct constituting a crime under any of the following provisions between persons who are not family or household members:

- Sexual Offenses and Conduct relating to sex offenders
- Endangering welfare of children if the offense involved sexual contact with the children
- Corruption of minors
- Sexual abuse of children
- Unlawful contact with minor
- Sexual exploitation of children

What is Intimidation?

Intimidation is defined as conduct constituting a crime under either of the following provisions between persons who are not family or household members:

- Harassment where the conduct is committed by a person 18 years of age or older against a person under 18 years of age
- Stalking where the conduct is committed by a person 18 years of age or older against a person under 18 years of age

Who can file for protection under the act?

You can file for protection under the PSVI if you do not have a family or household member relationship with the defendant, i.e., you are not a spouse or ex-spouse, living or lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. If the abused person is a minor, then a parent, adult household member or guardian can file on behalf of the child. Persons who DO have one of these relationships should instead file a petition under the PSVI Act.

Is there a cost for filing a PSVI order?

No. There are no costs when you file a protection from sexual violence petition with the court. You will not have to pay any fees at the time of filing. However, at the time of the hearing the court will order either the alleged assailant to pay the costs. If you are successful and the court grants you the PSVI order, the costs are usually placed upon the alleged assailant. The court costs must be paid even if you choose to withdraw your petition and decide not to proceed with the case. If you do not appear at your scheduled hearing your case will be dismissed.

How and where do I file for a PSVI Order?

To file a petition for the entry of a PSVI order you must appear in person at the Chester County Justice Center, Family Court Administration Office, 201 West Market Street, 5th Floor, Suite 5402, West Chester, PA 19380-0989. There are no attorneys on staff to provide legal advice for you; the PFA Coordinator will assist you in filing the paperwork that is need-

ed for the PSVI petition The PFA Coordinator may not give you legal advice.

The coordinator will assist you in completing the necessary paperwork and will explain the remedies to you under the PSVI Act. After completing the paperwork, the coordinator will present your petition to the judge on your behalf.

Protection orders can be filed Monday through Friday (8:30a.m- 2:00p.m.)

Please take into consideration that the filing procedure for the PSVI order is a lengthy process lasting anywhere between 2-3 hrs. For this reason, no petitions for protection orders may be started later than 2:00 p.m. Any later and the party runs a risk of the court closing before completing the procedure.

What should I bring with me when I go to file for a PSVI Order?

Please come prepared with the following information:

Please bring a short statement including date, time, and description of the alleged incident that causes you to seek protection. The narratives should be one page in length.

Because the Justice Center does not have a day care program available, unless your minor child is the victim of the alleged abuse, please make appropriate childcare arrangements to leave the child at home. If that is not possible, please bring someone to watch them while you are being assisted.

What help is available at night, on weekends, or when the Justice Center is closed?

You must go to the on-call District Judge for an Emergency Order. You should call your local police department to find out which District Judge is on-call. The Emergency Order is only valid through the close of the next business day. For example, if a victim contains an Emergency PSVI on Friday evening that order is valid only through Monday at 4:30pm.

How do I receive a temporary protection order after filing a PSVI petition?

After filing a petition for a protection from sexual violence order, the Court will review the case to determine if a temporary protection order should or should not be granted. If the judge believes a Temporary Order should be issued, the Court will issue a tem-

porary protection order. All cases will then be scheduled before a judge in the Chester County Justice Center within 10 days.

How is the alleged assailant notified of the temporary protection order?

The alleged assailant must be served with notice of the temporary protection order and the hearing date. The sheriff's department or a local law enforcement agency will serve the court order on the alleged assailant. Once the alleged assailant is served, they can be arrested if there is another assault in violation of the terms of the court order.

How do I get a final PSVI order?

A hearing will be held in front of a judge within ten days of filing your petition with the court, and the judge will listen to the facts of your case. This hearing, at which the defendant will be present, is the time where you as the petitioner will assert you are a victim of sexual violence or intimidation committed by the defendant who is not a family or household member. If the judge finds that abuse has occurred, a final protection order will be issued. The length of the order can be for as long as three years.

What protection will I receive?

A PSVI Order may contain the following relief:

- “No contact” orders which can include, but are not limited to, restraining a defendant from entering plaintiff’s residence, place of employment, business or school as well as prohibiting indirect contact through third parties
- Any other appropriate relief sought by plaintiff
- Final orders may remain in effect for up to three years

Will my protection order be enforced in another county or state?

In most cases, yes. The Pennsylvania State Police maintain a registry of all protection from sexual violence orders issued throughout the Commonwealth of Pennsylvania.

Most out-of-state courts will enforce a valid protection order that is issued and properly filed in another state.

What if the alleged assailant violates the order?

You should immediately call the police and report the violation. A police officer may arrest the alleged assailant, even if he/she does not witness the abuse. An alleged assailant charged with the contempt of a protection order can face criminal charges for the acts committed that were in violation of the order. After a hearing, the court may find the alleged assailant in contempt and sentence him/her to prison for up to six months or up to six months supervised probation and fined up to \$1,000 under Pennsylvania law.

How can I get a copy of my PSVI order?

All civil matters, including your PSVI order, are filed in the Chester County Office of the Prothonotary, located on the first floor of the Justice Center at 201 W. Market Street in West Chester, PA. You may go in person and request your copies. You are also provided certified copies and instructions on what to do with those copies when you leave the courthouse after filing.

West Chester University may issue an institutional “no contact” order if deemed appropriate or at the request of the victim or respondent. To the extent of the victim’s cooperation and consent, University offices will work cooperatively to ensure that the complainant’s health, physical safety, work, and academic status are protected, pending the outcome of a formal University investigation of the complaint. For example, if reasonably available, a complainant will be offered changes to academic, living, transportation and working situations or protective measures regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a complainant should contact:

Students:

Director of Residence Life –

Ms. Marion McKinney
610-436-3307
mmckinney@wcupa.edu

AVP for Student Affairs/Dean of Students –

Dr. Tony Delgado
610-436-3086
adelgado@wcupa.edu

Director of Operations for

Affiliated Housing – Ms. Alexa Labresco
610-692-7413
alabresco@ushcommunities.org

Employees:

Associate Vice President of

Human Resources

Mr. Bill Helzlsouer
610-436-3109
bhelzlsouer@wcupa.edu

General Policy Statement on the Employee Sexual Harassment

The procedures described in West Chester University's Sexual Harassment Policy represent the University's method for responding to complaints of sexual misconduct whether those complaints are formal or informal involving employees as the accused party. The procedure for informal complaints calls for prompt review and mediation if desired, followed by action intended to prevent any misconduct. The procedure for formal complaints also results in prompt review, which may result in disciplinary action against someone who has sexually harassed another. To the extent possible, the University expects to complete the investigation within ninety (90) business days of receiving a written complaint unless there are extenuating circumstances, which may prevent the University from complying with this timeframe.

Formal Complaint Procedure

The time-frame for the Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will be concluded within a reasonably prompt manner, and usually no longer

than 90 days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, as set forth more fully in the Continuances and Granting Extensions section. Appeals may extend the timeframe for resolution.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further, but will receive all notices issued under this Sexual Misconduct Resolution Process. PLEASE NOTE: The Title IX Coordinator does not lose impartiality solely due to signing a Formal Complaint.

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the

Informal Resolution Process (see the Informal Resolution section further in this document).

Student sexual misconduct policy and procedures overview

Sexual misconduct, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. A Title IX investigation is separate from a criminal investigation by the police and courts. Victims of any form of sex discrimination, sexual violence, sexual misconduct, or gender-based misconduct are encouraged to report the incident to the Title IX Coordinator:

Lynn Klingensmith

Director of Equity and Compliance
114 West Rosedale Ave
LKlingensmith@wcupa.edu
610-436-2433

Additionally, University employees are required to report any incident of sexual misconduct that they witness or that is reported to them and provide the name of the complainant to the Title IX Coordinator or designee. The Title IX Coordinator or designee will speak with the complainant to: ensure that she or he is aware of available resources, services, and interim safety measures to assist with the physical

and emotional aftermath of the incident. In addition, advise the complainant of the complaint filing options and take any necessary steps to ensure the safety of the West Chester University community.

A complete description of the Disciplinary Process for when an employee is a respondent in a case of alleged sexual assault, domestic violence, dating violence or stalking can be found on page 60.

To file an anonymous report

The University strongly encourages those who want to file a report on behalf of himself or herself or someone else to identify themselves by name, but anonymous reports will be accepted by anyone with knowledge of a sexual misconduct violation.

Anonymous reports can be filed by submitting a Sexual Misconduct Incident Report form via the on-line link:

www.wcupa.edu/admin/diversityEquity-Inclusion/sexualmisconduct

In addition, confidentiality, which may include meeting with the respondent to provide notification of the allegations and the possible repercussions if a formal complaint, is brought forward. The Director for Equity and may recommend voluntary sexual misconduct training for an individual or a work unit.

Confidentiality and Reporting

West Chester University understands the amount of strength and courage that is required to come forward and disclose a sexual misconduct. Be it harassment, assault, sexual exploitation, stalking or dating violence, West Chester University takes your right to privacy seriously. Because the safety of our students, faculty and staff is of our utmost concern, we are not always able to grant complete confidentiality in a sexual misconduct case, however, we will, to the extent possible, do our best to protect your privacy while meeting the University's legal obligations.

There are some resources that provide complete confidentiality on and off campus.

They are as follows:

- West Chester University Counseling Center – (610-436-2301)
- Crime Victim's Center of Chester County – (610-692-7273)
- Rape, Abuse and Incest, National

Network – hotline (1-800-656-4673)

More information about these three organizations can be found in the “Resources” section of this section of the document.

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved. Privacy, confidentiality and privilege have distinct meanings under this Policy. Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals, including individuals who “need to know” in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of sexual misconduct under this Policy, including Advisors and Witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties, however, nothing in this Policy is intended to impose restraints on a party’s ability to discuss the allegations under investigation or to gather and present evidence as part of the resolution process.

Certain individuals are designated as having confidentiality. For reports made to employees designated with having confidentiality, the University will respect the reporting party’s expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations. For example, reports involving minors are subject to mandatory reporting requirements. Individuals designated as having confidentiality are required to report the nature, date, time and general location of an incident to the Title IX coordinator. Individuals designated as having confidentiality will not share other information with the Title IX Coordinator or any other employee of the University without the

express permission of the disclosing party.

Individuals designated as having confidentiality can provide information about the University and off-campus resources, support services and other options. As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential resource does not constitute a report or Formal Complaint to the University and will not result in a response or intervention by the University. A person consulting with a confidential resource may decide to make a report to the University and/or law enforcement. This includes Student Health Services.

Communication with certain individuals may be privileged by operation of law and reports made to these individuals will not be shared with the University Title IX Coordinator or law enforcement except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law. This includes the Counseling & Psychological Services Center and the West Chester University Community Mental Health Center.

All University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX of the Education Amendments of 1972 (“Title IX”), Violence Against Women Act (VAWA), state and local law, and University policy. No information will be released from such proceedings, except as required or permitted by law and University policy.

The University may share non-identifying information about reports received in aggregate form, including data about outcomes and Disciplinary Sanctions.

► **Information regarding registered sex offenders can be found at:**
www.pameganslaw.state.pa.us/

On and off campus services for victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, West Chester University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

ON CAMPUS	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
Counseling Center	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach	Dr. Rachel Daultry Director	610-436-2301
Health	Clinical Services- General health care, immunizations, TB testing, medications, sexual health Wellness Promotion – Wellness education, alcohol/tobacco/ and other drugs, nutrition services	Clinical Services: Dr. Landrus Burress, DrPH, MS Director Wellness Promotion: Kelsey Sevenski	610-436-2509
Mental Health	See Counseling	Dr. Rachel Daultry, Chair	610-436-2301
Victim Advocacy	Reporting, referrals and support	Dr. Maggie Holroyd	610-436-3433
Legal Assistance	Legal consultation	Sandy Jones	610-436-2984
Visa and Immigration Assistance	Issue the Form 1-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	Angela Howard	610-436-3515
Student Financial Aid	Financial Aid, Work Study, Financial Literacy	Daniel McIlhenny, Director	610-436-2627
University Police	Escorts, Emergency Medical Services, Crime Prevention	Chief Raymond Stevenson	610-436-3311
Multicultural Center	Programs, activities, and service	Dr. Dametraus L. Jaggars	610-436-3273
Director for Equity and Compliance	Sexual Misconduct information	Lynn Klingensmith	610-436-2433
OFF CAMPUS	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
Counseling	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach, Alcohol Awareness Education, Drug and Alcohol Counseling	Chester County Counseling Center	610-933-8880
Health	Emergency and non-emergency medical services	Chester County Hospital	610-431-5000
Mental Health	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach, Alcohol Awareness Education, Drug and Alcohol Counseling	Chester County Mental Health Services Chester County Counseling Center	610-344-6265 610-933-8880
Victim Advocacy	Reporting, referrals and support	Crime Victims Center	610-692-1926
Legal Assistance	Legal consultation	Legal Aid of Southeastern PA	610-436-4510
Visa and Immigration Assistance	Issue the Form 1-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	HIAS of PA	215-832-0900
Police	Reporting, Emergency medical services, Crime prevention	West Chester Borough Police	610-692-2700
Police	Reporting, Emergency medical services, Crime prevention	West Goshen Police	610-696-7400

Other resources available to persons who report being the victim of a sexual assault, domestic violence, dating violence or stalking include:

Rape, Abuse and Incest National Network – www.rainn.org

Department of Justice –
www.ovv.usdoj.gov/sexassault.htm

Department of Education,
Office of Civil Rights – www.ed.gov/about/offices/list/ocr/index.htm

Pennsylvania Coalition Against Rape –
www.pcar.org/

Pennsylvania Coalition Against Domestic Violence – www.pcadv.org/

Department of Justice, Office on Violence Against Women – www.justice.gov/ovv

Confidentiality

Additionally, complainants may request that directory information on file with the University be withheld by request. Such requests should be forwarded to the Office of the University Registrar in the Kershner Student Services Center located at 25 University Avenue.

Regardless of whether a complainant has opted-out of allowing the University to share “directory information,” personal identifiable information about the complainant and other necessary parties will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant, including accommodations and protective measures.

For example, publicly available record keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

West Chester University does not publish the name of crime victims nor house identifiable information regarding complainants in the campus police department’s Daily Crime Log or online. Complainants may request that directory information on file be removed from public sources. Students can self-elect to restrict using self-service online in their University account or by contacting the Registrar. Employees may have the ability to restrict identifying information and should contact Human Resources for further information and assistance.

How to be an active bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and attempt to make out with, or have sex with people who are incapacitated.

3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

With no intention to blame the complainant, and with recognition that only those who commit sexual misconduct and violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. (Taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you do not know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

10. If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
12. Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - b. Be true to yourself. Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with addressing.
 - c. Have a code word with your friends or family so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. Lie. If you do not want to hurt the person's feelings, it is better to lie and make up a reason to leave than

to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Accommodations and Protective Measures Available for Complainants

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, WCU will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the complainant's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the complainant in obtaining accommodations. If reasonably available, a complainant may be offered changes to academic, living, working, protective measures, or transportation situations regardless of whether the complainant chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes

in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation, and/or working situations or protective measures, a complainant should contact the Title IX Coordinator or their designee will determine whether interim interventions and interim and permanent protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by West Chester University.

ADJUDICATION OF VIOLATIONS

Whether or not criminal charges are filed, the University or a single person may file a complaint alleging that a student or an employee violated the Sexual Misconduct policy. The following are the overviews of the policy and procedures in place as they relate to employees as the respondent or students as the respondent.

Reports of all domestic violence, dating violence, sexual assault and stalking made to campus Public Safety will automatically be referred to the Title IX Coordinator for review and processing regardless of if the complainant chooses to pursue criminal charges.

The university's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the complainant and the respondent. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the time-frame specified in each policy the institution maintains. However, each procedure allows for extensions of time-frames for good cause with written

notice to the complainant and the respondent of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

Furthermore, each policy provides that:

1. The complainant and the respondent will have timely notice for meetings at which the complainant or respondent, or both, may be present;
2. The complainant, the respondent and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent;

The complainant and the respondent will have the same opportunities to have others present during any institutional disciplinary proceeding.

4. The complainant and the respondent each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to providing support throughout an investigation and/or hearing and conducting cross examination. Advisors may not speak for their party except for the limited purposes of cross-examination.
5. The complainant and the respondent will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the complainant and the respondent will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the

complainant and the respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

The University has developed policies for resolving reports of Domestic Violence, Dating Violence, Sexual Assault and Stalking. For students, these allegations will be resolved using the procedures outlined in the Student Code of Conduct (for students) or the Sexual Harassment Policy (for employees).

To file a West Chester University student conduct report:

Sexual misconduct is a violation of the Student Code of Conduct, and as such, a complainant may make a judicial complaint against a West Chester University student(s). A student conduct investigation and hearing are separate from a criminal investigation by the police. A respondent can receive punishment up to and including expulsion from the University. Formal student conduct complaints can be made by contacting:

Christina Brenner

Office of Student Conduct
Ruby Jones Hall, Room 200
CBrenner@wcupa.edu
610-436-3511

Or by this link: [Report a Student Conduct Violation](#)

West Chester University Disciplinary Procedure

Any student or employee of West Chester University can file a charge against a student or student organization for violations of the Student Code of Conduct on the basis of sexual misconduct. Student Code of Conduct charges are entirely separate from a criminal investigation by the police, and any complainant may file a criminal complaint with police in addition to a Student Code of Conduct violation. The intentional filing of a false report will not be tolerated. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal laws and civil defamation laws. Full detail of the procedures can be found in the Student Code of Conduct at www.wcupa.edu/conduct.

Retaliation

West Chester University prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sexual misconduct or misconduct. Any retaliatory behavior should be reported immediately to the Director of Student Conduct (see Campus Resources section on page 60 of this document). Any person, including third parties, who violates this retaliation policy, will be subject to discipline, up to and including termination if they are an employee, and/or expulsion if they are a student.

General Rules of Investigations under the Sexual Misconduct Policy

A. General Rules of Investigations

The Title IX Coordinator and/or an Investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged under a reasonably prompt timeframe, following issuance of the Notice of Allegations.

The University and not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. Either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations). See Inspection and Review of Evidence section below.

B. Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence

prior to issuance of the investigation report. Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- 1) Evidence that is relevant, even if that evidence does not end up being relied upon by the Decision Maker(s)/Hearing Officer(s) in making a determination regarding responsibility;
- 2) inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

The University will send the evidence to each Party and each Party's Advisor, if any, to inspect and review through an electronic format or a hard copy. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Parties will have 10 days to inspect and review the evidence and submit a written response by email to the Investigator. This response should include any new or additional evidence the Party would like the Investigator to consider. The University will provide copies of the Parties' written responses, and any new or additional evidence provided, to the other Party and their Advisor. The other Party will have 5 days to inspect, review, and respond to the new or additional evidence through a written response to the Investigator. The University will provide copies of the Party's supplemental written response to the other Party and their Advisor.

The Investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension of the time to submit a written response, which may be denied in the sole discretion of the Investigator, in consultation with the Title IX Coordinator.

The Investigator has 10 days to generate a report or after the responses to additional evidence are due or, alternatively, may provide the Parties and their Advisors with written notice extending the investigation and explaining the reason for the extension.

The parties and their Advisors are encour-

aged not to disseminate the Investigative Report or photograph or otherwise copy any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Sexual Misconduct Resolution Process.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

C. Investigative Report

The Investigator will create an Investigative Report that fairly summarizes relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

D. Ongoing Notice

If, in the course of an investigation, the University decides to investigate allegations about either Party that are not included in the Notice of Allegations and are otherwise covered Sexual Misconduct Violations falling within this Policy or other violations of the University's Student Code of Conduct, the University will notify the Parties of the additional allegations by their University email accounts or other reasonable means.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

At any point prior to, or during an investigation, the complainant may seek supportive measures until a formal remedy is imposed. Complainants may request:

- Housing reassignment to ensure that victim and respondent are not in close proximity.
- Limitations on contact between parties (referred to as a "No Contact Directive").

- An escort to ensure the complainant's safety.
- Reassignment of classes to ensure that the complainant and respondent are not attending the same class.
- Counseling services.
- Medical services.
- Academic support such as tutoring.
- To withdraw from a class without penalty.

The Director of Student Conduct may also consider other remedies and/or measures to ensure the safety of the complainant and the campus community.

General Policy Statements regarding Sexual Harassment and Student Sexual Misconduct.

The following statements apply to all procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, regardless of whether the alleged conduct will be resolved in accordance with the Title IX/ Sexual Harassment policy.

Mandated Reporting Obligations of University Officials, Volunteers and Employees

All University Officials, Volunteers and Employees (including student employees) are obligated to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator/designee, unless:

- 1) they serve in a role that makes such reports privileged or are recognized as providing a confidential resource (see Statement on Privacy and Confidentiality); or 2) they are a faculty member and learn of the report from a student during a classroom discussion, in a writing assignment for a class, or as part of a University-approved research project.

PLEASE NOTE: These reporting exceptions do not apply to reports of sexual misconduct involving an individual who was, or is, a child (a person under 18 years of age) when the abuse allegedly occurred. When a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all the University Employees, Officials and Volunteers are required to notify the University police and the ChildLine run by the Pennsylvania Department of Human Services

(1-800-932- 0313). All other members of the University community are strongly encouraged to report suspected child abuse to law enforcement or the ChildLine.

University Employees designated as Campus Security Authorities (CSAs) under the Clery Act are required to report certain crimes for federal statistical reporting purposes.

University Obligations Regarding Timely Warnings

Parties reporting Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking should be aware that under the Clery Act, the University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. If a report of sexual misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Complainant.

JURISDICTION AND DISMISSALS

In certain circumstances where violations defined under the Final Rule as Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) do not meet jurisdictional requirements, the University must dismiss those allegations contained in the Formal Complaint.

In certain circumstances the Title IX Coordinator may dismiss a Formal Complaint, or any specific allegations raised in the Formal Complaint at any time during the investigation or hearing.

Any Party may appeal a dismissal determination. See the Determining Jurisdiction and Mandatory Dismissal for Certain Allegations under Sexual Misconduct Resolution and Process Section for more information.

EMERGENCY REMOVAL FOR STUDENTS

1) The University retains the authority to remove a Respondent from its Education Programs or Activities on an emergency basis. This action is also referred to as an emergency removal.

2) Before imposing an emergency removal on a student Respondent, the University will:

- undertake an individualized safety and risk analysis; and
- determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct justifies a removal.

3) If the University imposes an emergency removal on a student Respondent, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

- The University will provide written notice of the emergency removal and applicable charges.
- The University will provide an opportunity for the Respondent to appeal that decision to an appropriate Hearing Officer or designee within 10 days of the imposition of the emergency removal.
- The designated University Hearing Officer will hear the evidence and determine whether there is sufficient evidence to support the conclusion that the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct and that, based on that threat, removal is the appropriate course of action.

4) If the University learns of evidence that demonstrates that the emergency action is no longer justified after the emergency removal is imposed against a student Respondent, the University will take prompt action to rescind the emergency removal.

5) All emergency removals will also comply with requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel.

ADMINISTRATIVE LEAVE FOR EMPLOYEES

The University retains the authority to place Employees on administrative leave consistent with

applicable requirements of relevant University policies and collective bargaining agreements.

INFORMAL RESOLUTION PROCESS

Informal means of resolution, such as mediation, may be used as an alternative to the formal investigation and hearing procedures. Informal resolution is a voluntary process and may be used only where a Formal Complaint has been filed. Upon written agreement of all parties, informal resolution may be initiated at any time prior to finding of responsibility in a hearing and may be terminated at any time prior to final resolution. If the informal process is terminated, the Sexual Misconduct Resolution Process, which includes an investigation and hearing, will proceed. Once a final resolution has been reached and documented and signed by all parties, the resolution cannot be appealed.

Informal Resolution may not be utilized when a student files a formal complaint against a University Employee, Volunteer or Official under this policy.

SEXUAL MISCONDUCT RESOLUTION PROCESS

Formal Complaint

The Sexual Misconduct Resolution Process is initiated by a Complainant providing the Title IX Coordinator a written, signed Formal Complaint describing the facts alleged. See the section titled Filing a Formal Complaint above.

Notice of Allegations

The Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days, after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The Notice of Allegations will include the following:

- Notice of the University's Sexual Misconduct Resolution Process including any Informal Resolution process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting violations(s) of any University policy, and sufficient details known at the time the Notice of Allegations is issued, such as the identities of the parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting a policy violation; and the date and location of

the alleged incident, if known.

- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing.
- A statement that the Parties may have an Advisor of their choice.
- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source.
- Individuals are prohibited from knowingly filing a false report or making misrepresentations. If, following an investigation and hearing as appropriate under applicable policy, a person is found to have willfully filed a bad faith report or made misrepresentations as part of a resolution process, the party may be subject to appropriate Disciplinary Sanctions under the Code of Conduct.

Conduct in the case of Students or other relevant University policy in the case of Officials, Employees or Volunteers.

The Parties will be notified by their University email accounts if they are a Student or Employee, and by other reasonable means if they are neither.

The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

Determining Jurisdiction and Mandatory Dismissal for Certain Allegations

For alleged violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) the following elements will be determined in the reasonable determination of the Title IX Coordinator:

- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in the University's Education Program or Activity; and
- The alleged conduct, if true, would constitute covered Regulatory Prohibited Conduct, as defined in this Policy.

If all of the elements are met, the University will investigate the allegations under the processes set forth in this Policy. If any one of these elements is not met, the Title IX Coordinator will notify the parties the specific allegation contained in the Formal Complaint does not meet the required jurisdictional requirements under the Final Rule and is being dismissed. Any Party may appeal a dismissal using the process set forth in the Appeals section below. Dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University's ability to proceed with an investigation of charges categorized as Non-Regulatory or other charges under this Policy or any other University Policy.

Discretionary Dismissals for All Allegations

The Title IX Coordinator may dismiss a Formal Complaint brought under this Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint, or any allegations raised in the Formal Complaint;
- The Respondent is no longer enrolled in, associated with or employed by the University; or,
- If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any Party may appeal a dismissal using the process set forth in the Appeals section below.

Burden of Proof

The burden of proof refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of the University to satisfy the burden of

proof. The Respondent does not have the burden to prove that a violation did not occur. Respondents may decide not to share their side of the story or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. Additionally, Decision-Maker(s) shall not make an adverse inference against a Respondent for the Respondent's refusal to participate in an investigation or hearing, nor will Respondent's refusal to participate result in increased sanctions if the Respondent is found responsible for the violation(s).

10. Standard of Proof

Consistent with requirements set forth in the Pennsylvania Code pertaining to student disciplinary due process requirements, the University will use the preponderance of the evidence standard in investigations of formal complaints alleging sexual misconduct violations under this Policy. This means that the individual(s) charged with making a finding must determine whether it is more likely than not that a violation of the Policy occurred. In cases where and employee is the respondent the standard of proof is the preponderance of evidence as well.

Disciplinary Sanctions Against Employees, Officials and Volunteers

Possible Disciplinary Sanctions

Disciplinary Sanctions imposed on an Employee for violating this Policy, subject to an

applicable collective bargaining agreement or University/System policies, may include a penalty

up to and including separation from employment. Disciplinary Sanctions imposed on an Official or Volunteer may include a penalty up to removal or the request for removal of the Official or Volunteer from their respective position.

Disciplinary Sanctions Against Students

Possible Disciplinary Sanctions

The University may impose the following Disciplinary Sanctions upon Students, singly or in

combination: Disciplinary Probation (rang-

ing from six weeks to ten semesters), Final Disciplinary Probation (ranging from six weeks to ten semesters), Disciplinary Suspension (ranging from one to fifteen semesters), and Disciplinary Expulsion. Sanction conditions may include off campus counseling, campus restriction(s), loss of housing, residential non-renewal or reassignment, and related educational conditions.

Previous Disciplinary Sanctions

Previous Disciplinary Sanctions of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

Disciplinary Actions in Cases of alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking.

The following procedures are followed when a case of alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking falls under the Sexual Misconduct Policy where the Respondent is a student.

A. Notice of Hearing

No less than 10 days prior to the hearing, the Office of Student Conduct will send written notice of the hearing to the Parties. The Parties will be notified by their University email accounts or by other reasonable means. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing will contain:

- 1) A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Disciplinary Sanctions actions that could result.
- 2) The time, date, and location of the hearing.
- 3) Information about the option for the hearing to occur with the parties located in separate rooms using technology that enables the Decision Maker(s)/Hearing Officer(s) and Parties to see and hear a Party or Witness answering questions. Parties should inform the Office of Student Conduct of any desire to have the hearing occur in separate rooms at least 3 days prior to the hearing to ensure appropriate technology is in place.

4) Information on how the hearing will be recorded and on access to the recording for the Parties after the hearing.

5) A copy of the rules of decorum for all hearing participants.

6) A list of the Decision Makers and/or Hearing Facilitator who will attend the hearing, along with an invitation to object to any actual or perceived conflicts of interest or bias of the Decision Maker(s)/Hearing Officer(s) prior to the hearing.

7) A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the testimony or any statements provided by the Party or Witness prior to the hearing will not be considered by the Decision Maker.

8) Notification that the parties may have the assistance of an Advisor of their choice at the hearing and will be required to have one present for any questions they may desire to ask of the other Party or Witnesses. The Party should notify the Office of Student Conduct in advance of the hearing if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present.

9) A copy of all the materials provided to the Decision Maker(s)/Hearing Officer(s) about the matter and the opportunity to provide a written response in advance of the hearing.

10) Information regarding who to contact to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.

11) For compelling reasons, the Office of Student Conduct may reschedule the hearing.

B. Hearing

The University will not issue a Disciplinary Sanction arising from an allegation of a violation of this Policy without holding a hearing, unless otherwise resolved through an informal resolution process or an alternate process permitted under this Policy. If the University determines a hearing is necessary, the Parties cannot waive the right to a hearing.

The University may still proceed with the

hearing in the absence of a Party, and may reach a determination of responsibility in their absence. The University will not threaten, coerce, intimidate, or discriminate against the Party in an attempt to secure the Party's participation. If a Party does not participate in a hearing or submit to cross-examination in the hearing, the Decision Maker(s)/Hearing Officer(s) may not rely on any "statement" by that Party. See Cross Examination section below.

The Decision Maker(s)/Hearing Officer(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer cross examination or other questions.

The hearing may be conducted with all Parties physically present in the same geographic location, or, at the University's discretion, any or all Parties, Witnesses, and other participants may appear at the hearing virtually through video conferencing technology. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors.

All proceedings will be recorded through audio recording. That recording or transcript will be made available to the Parties for inspection and review upon request.

C. Continuances or Granting Extensions

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

D. Participants in the Hearing

Hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- 1) The Decision Maker(s)/Hearing Officer(s)
- 2) The Hearing Chair
- 3) Hearing facilitators
- 4) University personnel
- 5) The Parties
- 6) Advisor of choice or provided by the University for each Party

7) Witnesses

8) Any individuals necessary to provide interpretation or other support services associated with reasonable accommodations to facilitate participation in the hearing. The Decision Maker(s)/Hearing Officer(s) will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular case. The Parties will have an opportunity to raise any objections regarding a Decision Maker's actual or perceived conflicts of interest or bias at the beginning of the hearing. Parties and Witnesses cannot be compelled to participate in the hearing, and have the right not to participate in the hearing free from retaliation.

E. Hearing Procedures

For all hearings conducted under this Policy, the procedure will be as follows:

- 1) Hearing Chair will open and establish rules and expectations for the hearing.
- 2) The Parties will each be given the opportunity to provide opening statements.
- 3) The Investigator will present a summary of the final investigation report, including items that are and are not contested. The Investigator will be subject to questioning by the Decision Maker(s)/Hearing Officer(s) and the Parties (through their Advisors). The Investigator should not be asked their opinion on credibility, recommended findings or determinations. If such information is introduced, the Hearing Chair will direct that it be disregarded.
- 4) Hearing Chair and Hearing Panel Members will ask questions of the Parties and Witnesses.
- 5) Parties will be given the opportunity for cross-examination after Decision Maker(s)/Hearing Officer(s) conduct(s) its initial round of questioning See Cross-Examination Procedure below.
- 6) During the Parties' cross-examination, Hearing Chair will have the authority to pause cross-examination at any time for the purposes of asking Decision Maker(s)/Hearing Officer(s)] own follow up questions: and any time necessary in order to enforce order for the hearing or the established rules of decorum. If an Advisor does not comply with the established rules of decorum, may pro-

vide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

- 7) Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision Maker(s)/Hearing Officer(s). A Party's waiver of cross-examination does not eliminate the ability of the Decision Maker(s)/Hearing Officer(s) to use statements made by the Party.

F. Relevant evidence and questions

"Relevant" evidence and questions are those questions and evidence that tends to make an allegation of sexual misconduct more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of any process initiated under this Policy:

- 1) Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
 - a) They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - b) They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- 2) Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege including attorney-client privilege; or
- 3) Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

G. Cross-Examination

- 1) Each Party's Advisor may conduct cross-examination of the other Party or Parties and Witnesses and ask follow-up questions, including those challenging credibility directly, orally, and in real time.
- 2) Parties will not be permitted to personally cross-examine each other.
- 3) If a Party does not participate in a hearing, the Party's Advisor may attend and conduct cross-examination on behalf of the Party.

- 4) If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party and ask cross-examination questions.
- 5) Before any cross-examination question is answered, the Decision Maker(s)/Hearing Officer(s) will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision Maker(s)/Hearing Officer(s) may be deemed irrelevant if they have been asked and answered.
- 6) The Decision Maker(s)/Hearing Officer(s) must explain to the Party proposing the question any decision to exclude a question as not relevant.
- 7) If a Party or Witness does not submit to cross-examination at the hearing, the Decision Maker(s)/Hearing Officer(s) may not rely on any statement of that Party or Witness in reaching a determination regarding responsibility.
- 8) The Decision Maker(s)/Hearing Officer(s) may not draw an inference about a determination of regarding responsibility based solely on a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions.

9. Decisions

A. General Considerations for Evaluating Testimony and Evidence

- 1) While the opportunity for cross-examination is required in all hearings under this Policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision Maker(s)/Hearing Officer(s).
- 2) Decision Maker(s)/Hearing Officer(s) shall not draw inferences regarding a Party or Witness' credibility based on the Party or Witness' status as a Complainant, Respondent, or Witness, nor shall it base its judgments in stereotypes about how a Party or Witness would or should act under the circumstances.
- 3) Generally, credibility judgments should rest on the demeanor of the Party or Witness, the plausibility of their testimony, the consistency of their testimony,

and its reliability in light of corroborating or conflicting testimony or evidence.

- 4) Credibility judgments should not rest on whether a Party or Witness' testimony is nonlinear or incomplete, or if the Party or Witness is displaying stress or anxiety.
- 5) Where a Party or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision Maker(s)/Hearing Officer(s) may draw an adverse inference as to that Party or Witness' credibility.
- 6) Decision Maker(s)/Hearing Officer(s) will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- 7) The Final Rule requires the University to admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s)/Hearing Officer(s) will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.
- 8) The Final Rule requires the University allow parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s)/Hearing Officer(s) will be instructed to afford very low weight to any non-factual character testimony of any Witness.

B. Timeline for Decision

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within 10 days of the completion of the hearing.

C. Finality

The determination regarding responsibility becomes final either upon the outcome of

any appeal or the expiration of the window to appeal without an appeal being requested as set forth in the Appeals section below.

Disciplinary Sanctions Against Students

Possible Disciplinary Sanctions

The University may impose the following Disciplinary Sanctions upon Students, singly or in combination: Disciplinary Probation (ranging from six weeks to ten semesters), Final Disciplinary Probation (ranging from six weeks to ten semesters), Disciplinary Suspension (ranging from one to fifteen semesters), and Disciplinary Expulsion. Sanction conditions may include off campus counseling, campus restriction(s), loss of housing, residential non-renewal or reassignment, and related educational conditions.

B. Previous Disciplinary Sanctions

Previous Disciplinary Sanctions of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

C. Timing

The Disciplinary Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

Appeals Where the Respondent is a Student

A. Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:

- 1) A procedural irregularity under the University policy or procedures that affected the hearing outcome.
- 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
- 3) The Title IX Coordinator, Investigator(s), or Decision Maker(s)/Hearing Officer(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that

affected the outcome of the matter.

- 4) The Disciplinary Sanction imposed was grossly disproportionate to the violation.
- B. Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.
- C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.
- D. If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. If the basis of the appeal is the Disciplinary Sanction imposed was grossly disproportionate to the violation, the other Party will be given 5 days to respond to the Disciplinary Sanctions basis of appeal after being notified of the appeal.
- E. Appeals will be decided by the University Appeals Board, who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker/Hearing Officer in the same matter.
- F. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the University Appeals Board is not to reweigh the evidence. The University Appeals Board will confine their review to the basis of appeal alleged and may modify the sanction on the basis that the severity of the sanction is disproportionate to the violation(s). In the event a Disciplinary Sanction is modified, the other party will be notified of the modified Disciplinary Sanction.
- G. The outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

Appeals Where the Respondent is an Employee

A. Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:

- 1) A procedural irregularity under the Uni-

versity policy or procedures that affected the hearing outcome.

- 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
 - 3) The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- B. Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.
- C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures remain available during the pendency of the appeal.
- D. If a Party appeals, the University will notify the other Party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.
- E. Appeals will be decided by an Appeals Board who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.
- F. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of an Appeals Board is not to reweigh the evidence. The Appeals Board will confine their review to the basis of appeal alleged.
- G. The outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

The following disciplinary procedures are followed when an alleged incident of Dating Violence, Domestic Violence, Sexual Assault or Stalking does not fall under the Sexual Misconduct Policy and the Respondent is an Employee.

Procedures

Overall responsibility for the implementation of the sexual harassment and sexual misconduct policy has been assigned to the Office for Diversity, Equity and Inclusion. Any individual having suggestions, problems, complaints, or grievances with regard to sexual misconduct is encouraged to contact the office at 114 W. Rosedale Avenue or by phone at 610-436-2433. All procedures may be performed virtually. In the event that a member of the West Chester University Community feels that he or she has been the subject of sexual misconduct or harassment, the matter should be brought to the attention of the Office for Diversity, Equity and Inclusion. If a complaint alleges sexual harassment/misconduct by an employee of the Office for Diversity, Equity and Inclusion or the Office of the President, the complaint will be investigated by a party external to the University.

The University has a legal obligation to investigate informal or anonymous reports of sexual harassment/misconduct to the extent feasible and make complainants and respondents aware of the resources available to them, while striving to respect privacy and confidentiality. The University's obligation to protect the safety of its students and to record statistics may not permit complete confidentiality, but the University shall take the necessary measures to ensure that the information shared is limited to those individuals required to know.

It is not usually possible to conduct a formal investigation of anonymous reports of sexual harassment/misconduct, or in situations where a complainant requests confidentiality or asks that the complaint not be pursued. The University has a responsibility to take action to prevent harassment/misconduct. In the event of anonymous reports of sexual harassment/misconduct, or if the complainant asks that the complaint not be pursued, reasonable steps will be taken to respond to the complaint consistent with the request for confidentiality, which may include meeting with the alleged harasser to provide notification of the allegations and the possible repercussions if a formal complaint is brought forward. The Director for Equity and Compliance may recommend voluntary sexual harassment/misconduct training for an individual or a work unit.

In order to conduct a formal investigation which may result in discipline of a Univer-

sity employee or student, there must be first-hand information by the complainant or a witness who is available and willing to be identified and interviewed by the investigator(s). In determining whether a third-party complaint should be formally investigated, the following factors need to be evaluated: (1) is the reporter of the complaint submitting reliable facts or sufficient information; (2) does the complaint contain the name and contact information for the alleged complainant; (3) is there sufficient detail in the complaint to determine whether the allegations fall within the realm of sexual harassment/misconduct; (4) has the complaint been brought forward in a timely manner.

The Office for Diversity, Equity and Inclusion reserves the ability to consider whether a violation can be reviewed if it is reported outside the 180-day period for filing a complaint. Factors that affect that consideration include the following:

- Submission of the complaint is beyond 180 days of the incident,
- Whether the alleged behaviors may represent a violation of the University's Sexual Harassment/misconduct Policy,
- The severity of the allegations,
- The University risk for failing to address the allegations, and
- Whether the allegations represent a possible pattern of behavior for the respondent.

When consideration is being given to accepting a complaint beyond 180 days, management will provide the appropriate collective bargaining unit representative either oral or written notification, giving the collective bargaining unit representative the opportunity to respond within a reasonable time period.

The Complaint Process for Non-Title IX Sexual Harassment or Misconduct

The process below only applies for complaints filed against non-students for sexual harassment or misconduct not regulated by Title IX of the Educational Amendment of 1972. This would include, but is not limited to, allegations in violation of Titles VI and VII of the Civil Rights Act of 1964. If a Student is the Respondent, the procedures outlined in the Sexual Misconduct Policy will be followed.

Employees, whether Complainants or Respondents, have the right to be assisted

in all aspects of the complaint procedure by their union representative. The complainant also has the right to be assisted in all aspects of the complaint procedure by an advocate should they desire to do so. If an employee elects to be represented by his or her union, the union will receive copies of all written notifications. Employees equally have the right not to be represented by their union. This decision rests solely with the employee. The role of the representative is limited to the advice and counsel of their principals only. Representatives cannot question, answer, or provide advice during an interview or hearing.

However, parties can request a brief recess to consult their representative.

The facts will be evaluated using a preponderance of the evidence standard to determine if a violation of this policy has occurred. At the conclusion of the process, the complainant will be advised that the matter was reviewed and addressed by the designated adjudicator.

Initiating a Complaint

In order to process an allegation of sexual harassment or sexual misconduct not falling under the 2020 Title IX regulations, the individual, accompanied by an advocate if they wish, must process the complaint through the Office for Diversity, Equity and Inclusion. Sexual misconduct is a serious matter, which can have far-reaching effects; therefore, knowingly false, or malicious accusations may result in disciplinary action.

Complaints should be filed up to 180 days after the alleged act or behavior. However, it is in the best interest of all to conduct a timely review of the circumstances of the alleged harassing behavior; accordingly, complainants are urged to file complaints as soon as possible. In recognition of the dignity and reputations of all parties, it is the intent of the University's employees officially involved in the proceedings or investigation to preserve the confidentiality of the complaints and all proceedings. Disclosure of the complaint will be limited to individuals who, in the interest of fairness and problem resolution, have a need to know. The complainant and the accused are expected to maintain confidentiality consistent with the intent of the University.”

The complainant also has the option of pursuing formal complaints through the

following public agencies responsible for enforcing the laws against sexual harassment within the time frames listed:

- PA Human Relations Commission (215) 560-2496 180 days
- U.S. Dept. of Education, Office for Civil Rights (215) 656-8541 180 days
- Equal Employment Opportunity Commission (215) 440-2600 300 days

The process is initiated when the Director for Equity and Compliance receives a complaint or report of a violation of WCU policy relating to sexual harassment or misconduct not covered by Title IX regulations. The Complainant will provide a written statement to the Director with sufficient factual information to permit the Director to make an initial assessment of violation. The Director will determine if any supportive measures should be applied. Following the initial assessment, the Director may take any of the following actions:

- If the Director for Equity and Compliance determines that the complaint, even if substantiated, would not rise to the level of a policy violation; the nature and circumstances of the report do not make it appropriate for an investigation; or, after consultation with the Complainant about the Complainant's preferences regarding participation, the Director determines that there will be insufficient information to investigate the matter, the Director may dismiss the complaint. The Complainant will be advised of the dismissal and of any other recourse that might be appropriate.
- If the Director for Equity and Compliance determines that the complaint is outside the scope of the sexual harassment or sexual misconduct policies and/or most appropriately handled by another office, the Director may refer the complaint to another office for review.
- If the Director for Equity and Compliance determines that the complaint or report would, if substantiated, constitute a violation of policy, the Director will advise the Complainant of the types of processes available.
- If the Complainant chooses not to move forward with either process, or if the Complainant is anonymous, the Director for Equity and Compliance may notify the Respondent of the information reported and the possible repercussions if a

formal complaint is brought forward. The Director may schedule a meeting with the Respondent (and their representative, if desired by the Respondent) to pass on this information, answer questions, and provide assistance. The Director may recommend voluntary training for an individual or a work unit. The reported information will be maintained by the Office for Diversity, Equity and Inclusion for a period of 7 years. However, no written record will be forwarded to a student's education file or to an employee's official personnel file.

- The Director for Equity and Compliance may choose to move forward with the complaint process even if the Complainant withdraws their complaint or remains anonymous.

The Office for Diversity, Equity and Inclusion reserves the ability to consider whether a violation can be reviewed if it is reported outside the 180-day period for filing a complaint. Factors that affect that consideration include the following:

- Amount of time beyond 180 days,
- Whether the alleged behaviors may represent a violation of the University's Sexual Harassment Policy,
- The severity of the allegations,
- The University risk for failing to address the allegations, and
- Whether the allegations represent a possible pattern of behavior for the respondent.

Notification Procedure for employee as Respondent

1. If the complainant is a student enrolled at the time in the class of the respondent, he or she may request that notification and mediation be delayed until after the completion of the semester.
2. The Director for Equity and Compliance will send notification to the Provost's office (for faculty) or Division Head (for other staff).
3. The Provost or Division Head will send a notification letter to the Respondent that summarizes the complaint.
4. When a formal investigation is to be conducted against a faculty member, Article 42 of the APSCUF collective bargaining agreement will also govern.

Investigations may take place at any time in the resolution process after notification to the respondent at the discretion of the Director for Equity and Compliance. The fact-finding procedure is not intended to interfere with any legal rights an employee or student has under the statutes and other laws of the Commonwealth of Pennsylvania or the government of the United States of America, or an employee's collective bargaining agreement.

Choice of Process by Complainant

There are two types of complaint-resolution mechanisms: a formal process that involves investigation and possible conduct proceedings, and an informal process that may or may not involve investigation and less formal procedures. The complainant initiates the formal or informal process, with the concurrence of the respondent, after filing a written complaint with the Office for Diversity, Equity and Inclusion.

Informal Process

The informal process includes efforts to mediate a resolution upon which both the complainant and the individual respondent can agree.

Upon receipt of the complaint, notification to the respondent of the allegations, the complainant's desire for mediation, and the respondent's concurrence to the informal process, the Director for Equity and Compliance for Equity and Compliance may facilitate a resolution or appoint a mediator(s) and notify the parties of the mediator(s) identity.

Mediation occurs by mutual consent, therefore, at any stage of the mediation process either party has the opportunity to withdraw from the informal process.

1. The mediation may be conducted by separate discussions with the parties or in meetings with both parties present, depending on the circumstances and the mediator's best judgment.
2. If either party chooses to withdraw from the mediation process, the Director for Equity and Compliance will move forward with the formal complaint process.
3. At the conclusion of the mediation, the mediator(s) will provide a written statement of the resolution agreed to by both parties to the Director for Equity and Compliance. The informal resolution process may recommend the following

types of outcomes, where appropriate: facilitating an agreement between the parties, separating the parties, referring the parties to counseling programs, conducting targeted educational and training programs, and mediation.

4. If the parties involved in the informal resolution process fail to reach a mutually agreeable outcome for the alleged conduct, the allegation will be resolved via the formal investigation process.
5. The Director for Equity and Compliance will send a written summary of the outcome to the parties.
6. If the Director for Equity and Compliance makes a determination that there is a need, the formal process may be initiated on behalf of the University at any time.
7. All written summaries of the informal complaint process will be maintained by the Office for Diversity, Equity and Inclusion for a period of 7 years. No written record will be forwarded to the employee's official personnel file and for employees who are respondents, a successful informal resolution will not result in disciplinary proceedings. For students who are respondents, the matter may be forwarded to the Office for Student Conduct.
8. Completed informal resolutions are binding and may not be appealed.

Formal process Involving Investigation and possible conduct proceedings

The complainant has the right, consistent with this policy's time frame, to file a formal complaint at any time during the informal process. However, once an informal resolution is reached, the result is binding and a formal complaint can no longer be pursued.

Formal procedures, which may result in a disciplinary proceeding, include a fact process. finding and review After accepting a written formal complaint, the Director for Equity and Compliance will appoint a fact finder. When appropriate, as determined by the Director, two fact finders may be assigned to a case. The parties will be notified of the fact finder's identity. Fact finders are specifically trained and impartial faculty or staff. The fact finder's role is to investigate complaints and make findings of fact pertaining to the complaint.

1. The investigation generally includes interviews with the parties, any relevant witnesses, and a review of relevant documents (text messages, emails, etc.). Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of an investigation. At any time during the investigation, the investigator may recommend to the Director for Equity and Compliance that interim measures be provided to the Complainant, Respondent, or witnesses. Violations of these interim measures may be considered a separate violation of policy.
2. Employees whose positions are covered by collective bargaining units may request advocacy from their respective unions for an investigative interview. Representatives cannot question, answer, or provide advice during an interview or hearing. However, parties can request a brief recess to consult their representative.
3. During an investigative interview, the interviewee is expected to answer the questions, not his or her representation.
4. The investigator(s) will take notes during the interview and provide each participant with a summary of the interview for the purpose of review. Any substantive changes to the content after the review by the participant may be noted in the final report.
5. The investigation shall be completed as promptly as possible, and in most cases within fifty (50) business days of the date of the formal complaint was filed. A total of two attempts (by email, text, or phone) will be made to schedule investigative interviews. Failure to respond to scheduling requests will result in proceeding with the investigation without input from that individual.
6. At the conclusion of the investigation, the investigator will prepare a written report that includes a statement of the allegations and issues, identification of facts, reviewed evidence, a determination of whether the alleged actions may have violated University policy using the preponderance of evidence standard, and any recommendations.
7. The fact finders will submit a report of their findings to the Director for Equity and Compliance. The Director will for-

ulate an opinion as to whether there has been a violation of the University's Sexual Harassment or Sexual Misconduct Policy. If it is the opinion of the office that there is insufficient evidence to warrant a finding of a policy violation, the complainant and the respondent will be so notified, and the case will be closed. The Office for Diversity, Equity and Inclusion maintains the right to refer the case to other appropriate University officials if it appears that there may be violations of University's Misconduct Policy or other University policies.

If it is the opinion of the Director for Equity and Compliance that there is reasonable cause to believe that the University's Sexual Harassment or Sexual Misconduct Policy has been violated, the office will forward the investigative report and the Director's opinion to the appropriate manager. The Director for Equity and Compliance will forward the investigative report and the Director's opinion to the appropriate manager (for employee respondents) or to the Office of Student Conduct (for student respondents), who will follow appropriate University adjudication procedures. For student respondents, the procedures to be followed are outlined in the STUDENT CODE OF CONDUCT.

For employee respondents, the manager will utilize the existing University pre-disciplinary conference procedures ensuring that the respondent employee has the opportunity to be represented, if so desired, by his or her union representative during the pre-disciplinary conference. At the pre-disciplinary the respondent will have an opportunity to rebut the findings of the investigative report, and the opinion of the Director for Equity and Compliance. After completing the pre-disciplinary conference, the manager in consultation with the Associate Vice President and Chief Human Resources Officer and other University officials, as needed, will determine if discipline is appropriate and what level of discipline should be imposed. Possible disciplinary actions for violation of the University's Sexual Harassment or Sexual Misconduct policy include oral or written reprimand, suspension, or termination of employment. The manager is not bound by the opinion of the Director for Equity and Compliance and reserves the right to make his or her own final determination. Disciplined employees will have the right to appeal and/or

grieve management's decision to the extent provided in the appropriate policy and/or collective bargaining agreement.

The complainant will receive notification that the complaint has been reviewed and addressed by University official. In addition to the internal complaint process, a complainant, may pursue the complaint with the appropriate external agencies.

This policy and the procedures addressed herein are in addition to, and not a replacement for, criminal remedies that may be available. Anyone interested in pursuing a criminal complaint should contact the Office of Public Safety at 610-436-3311 or dial 911 in the case of an emergency. If the incident occurred off-campus, the WCU Public Safety Office will assist the complainant in filing the complaint in the appropriate jurisdiction.

The following procedures are followed when a case of alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking does not fall under the Sexual Misconduct Policy and the Respondent is a student.

Please note, in cases involving infliction or threat of violence, or a sexual misconduct allegation, any party may request in advance a remote hearing format or a screen to separate the complainant and the respondent.

At a formal hearing that is initially scheduled or requested by a student or student group, the following procedure will be followed to the extent possible:

1. The hearing facilitator shall open the proceedings by reading the statement of alleged violations and confirming the student or student group's statement of responsibility or non-responsibility to the alleged violations.
2. Before presenting any testimony, each person must submit to an oath where they swear and affirm the truth of statements to be made. For remote hearings all participants, including the board and the hearing facilitators, must pan their space to ensure no one else is present to hear testimony.
3. For cases involving an organization, the organization's leader (or designee) will serve in the role of respondent. The leader will respond to the alleged allegations and indicate whether the organization is responsible for all some or none

of the alleged violations. The leader may question witnesses as well as present the organization's response to the alleged violations.

4. The University Case Presenter shall then present their case against the respondent. This shall be done by the submission of written, physical, and/or testimonial evidence.
5. At the conclusion of the University Case Presenter's presentation, the respondent shall present a response to the allegations. This shall be done by the submission of written, physical, and/or testimonial evidence.
6. At the close of the hearing, the hearing facilitator will allow closing statements by the parties, which may include rebuttal comments.
 - a. Any person who commits an action that interrupts the proceedings or refuses to comply with a reasonable order of the hearing officer/board shall be subject to removal from the hearing.
 - b. All matters upon which the decision of responsibility will be based must be introduced into evidence at the hearing.
 - c. All formal hearings will be recorded and subject to the Disciplinary Records and Retention policy (Section VI). Maintenance of a written or audiotape record of the hearing will be done at the University's expense, but students may be required to pay the cost of copies of requested records. If such records contain sensitive or confidential information, a request for a copy will be denied. Personal recording of the hearing is prohibited and subject to criminal prosecution.
 - d. Case resolution will be based upon evidence sufficient to make a reasonable person believe that the facts sought to be proven are more likely true than not, otherwise known as preponderance of the evidence.
 - e. Once responsibility is determined, in addition to testimony and evidence presented at a conduct meeting or hearing, a hearing officer/board may consider the following elements before rendering a sanction:
 - i) Academic records and class year.

- ii) The nature and severity of previous discipline records including that which is public record;
- iii) Attitude of the respondent during the conduct meeting and/or hearing;
- iv) Whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the complainant and the University community.
- v) In group cases, the board may determine responsibility and elect to refer the finding back to the Office of Student Conduct for sanctioning and sanctioning decisions. Sanctioning decisions may involve the national or group administration or other pertinent University staff.

The University retains the right to continue a hearing whenever necessary and appropriate. Any students or student group who fail to appear at a scheduled hearing consent to the conducting of said hearing in their absence. Should the student be suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period as noted in the outcome letter.

If during or after the conduct process it is determined that individuals intentionally misrepresented the facts of the case in their testimony, they may be referred to the Office of Student Conduct or appropriate University office. If this misrepresentation is discovered after a hearing, the Office of Student Conduct, in consultation with the hearing officer/board, will review the evidence to determine whether the case should be reopened and/or a new hearing scheduled.

The Office of Student Conduct will issue a written statement of the findings of fact and reasons for the decision (referred to as an “Outcome Letter”) to the respondent within 30 business days after the close of the hearing.

Pending action on the allegations, the student’s status shall not be altered nor shall the student’s right to be present on University property or to attend classes be suspended, except for reasons relating to their physical or emotional safety and well-being or for reasons relating to the safety of students, employees, personnel, or

University property (See Sanction Interim Action Provision).

Appeals

Upon receiving an Outcome Letter from the hearing officer/board or a dismissal of a Formal Complaint (or any allegations or a determination of responsibility) from the Title IX Coordinator, each Party may appeal on the following grounds:

- A procedural irregularity under the University policy or procedures that affected the hearing outcome.
- New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- The Disciplinary Sanction imposed was grossly disproportionate to the violation(s).

All appeals must be made in writing by the published appeal date (5) five days noted on the outcome letter and submitted via the Office of Student Conduct Outcome Appeal. The appeal should explain in detail the basis of the request, including any supporting documentation. With the exception of interim measures, upon receipt of the written appeal, the Office of Student Conduct will defer the imposition of the sanction(s) pending the outcome of the appeal process.

The appeals of group misconduct by groups who are affiliated with a national or international organization must be accompanied by a letter of support for the appeal.

- B. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.
- C. If a party appeals in a sexual misconduct case, the University will notify the other party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. If the basis of the appeal is that the Disciplinary Sanction imposed was grossly disproportionate to the violation(s), the other Party will be given 5 days to respond to the appeal after being notified.

D. Appeals will be decided by a University Appeals Board, who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.

E. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the University Appeals Board is not to reweigh the evidence. The Appeals process will confine their review to the basis of appeal alleged and may modify the sanction or in the event of new information, remand back to the original hearing board to reweigh the new evidence. The University Appeals Board may modify the Disciplinary Sanction if an appeal on the basis of the severity of the sanction is grossly disproportionate to the violation(s). Disciplinary Sanction being imposed is granted. In the event a Disciplinary Sanction is modified and the case involves sexual misconduct, the other party will be notified of the modified Disciplinary Sanction.

F. In cases involving sexual misconduct, the outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

G. Appeals will be forwarded to a University Appeals Board for review in a timely manner. Appeal Boards are comprised of one professional staff member, one faculty member, and one student chosen from active members of the University Hearing Board. When necessary, a University Hearing Board may be convened by a quorum. A quorum in this case would be a combination of at least two of the previously mentioned individuals.

- a. The Appeals Board will review the written appeal and all documentation contained within the student’s or group’s disciplinary file.
- b. The Board is not obligated to reconvene a hearing if a violation of procedure is found. However, if a new hearing is granted, the same procedures used for the original hearing will be followed. All meetings and hearings of the appeal process are closed proceedings.
- c. The Appeals Board by a simple majority vote will uphold the sanction, modify the sanction, or order a new hearing.

H. A second level appeal may be made to the Vice President for Student Affairs or

their designee to review the appeal decision. An appeal to the Vice President for Student Affairs must be presented within five (5) business days of formal notification of the appeal decision. This must be submitted in writing via the Office of Student Conduct Outcome Appeal Form found in the outcome letter and online.

- An appeal to the Vice President for Student Affairs must include clear reasons to overrule the decision of the first appeal. An appeal to the Vice President for Student Affairs should include information to support the following reasons for the appeal:
- A procedural irregularity under the University policy or procedures that affected the hearing outcome.
- New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- The Disciplinary Sanction imposed was grossly disproportionate to the violation(s). The student petitioning for a second-level appeal will be notified of the decision of the Vice President for Student Affairs, or designee, within a reasonable period of time. The second level appeal is the final step in the West Chester University process.

Confidentiality

West Chester University will protect the identity of persons who report having been survivors of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

Additional University initiated protective measures

The Title IX Coordinator or their designee will determine whether interim interventions and interim and permanent protective

measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

Examples of interim protective measures include but are not limited to a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by West Chester University.

Federal timely warning notification

Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking should be aware that West Chester University administrators must issue timely warnings for incidents reported that pose a serious or continuing threat to members of the campus community. West Chester University will ensure that a victim's name and other identifying information is not disclosed when such warnings are issued, while still providing enough information for community members to make safety decisions for themselves.

Sex offender registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. A list of all registered sex offenders in Pennsylvania is available at: www.pameganslaw.state.pa.us/

APPENDIX A

WEST CHESTER UNIVERSITY OF PENNSYLVANIA – CLERY ACT STATISTICS

ARRESTS AND REFERRALS ON MAIN CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON-CAMPUS	PUBLIC PROPERTY
LIQUOR LAW VIOLATIONS (ARREST)	2018	228	196	0	18
	2019	120	82	0	9
	2020	37	29	0	0
LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	205	175	0	3
	2019	197	186	0	3
	2020	78	72	2	0
DRUG LAW VIOLATIONS (ARREST)	2018	108	84	0	16
	2019	36	20	0	7
	2020	10	6	0	0
DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	131	111	0	8
	2019	140	115	0	1
	2020	78	66	0	0
WEAPONS VIOLATIONS (ARRESTS)	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	1	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

1. On Campus – Any Building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes. University residence halls are included with this definition. Any building or property that is within or reasonably contiguous to the areas described above that supports University purposes and that is owned by the University but controlled by another person or entity; or is frequently used by students.
2. Residential Facilities – Dormitories or other residential facilities for students on campus is a subset of the On-Campus Category. Statistics from this category are repeated in the On-Campus column.
3. Non Campus – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.
4. Public Property – All public property, including thoroughfares, streets and sidewalks that is within the campus or immediately adjacent to and accessible from the campus. Data collected and reported by the Borough of West Chester Police Department and West Goshen Township Police Department.

► **Definitions & Terms for all categories – Please see Appendix E.**

CLERY ACT – CRIMINAL REPORTING ON MAIN CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
MANSLAUGHTER BY NEGLIGENCE	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES RAPE	2018	4	4	0	0
	2019	14	13	0	0
	2020	3	3	0	0
SEX OFFENSES FONDLING	2018	3	3	2	0
	2019	8	7	0	0
	2020	2	2	0	0
SEX OFFENSES INCEST	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES STATUTORY RAPE	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	2	0	0	0
	2019	1	0	0	0
	2020	0	0	0	0
AGGRAVATED ASSAULT	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
BURGLARY	2018	2	2	0	1
	2019	2	1	0	0
	2020	2	2	0	0
MOTOR VEHICLE THEFT	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ARSON	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Unfounded Crimes

There were zero unfounded crimes in 2018, zero unfounded crimes in 2019 and zero unfounded crimes in 2020.

This table contains crimes reported to West Chester University's Public Safety Department, campus officials, and other law enforcement agencies. These reports of crime are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the "Clery Act." The Clery Act is a federal law that requires all post-secondary educational institutions participating in federal student financial aid programs to publicly disclose crime statistics and crime prevention/security policies for their campuses every year.

CLERY ACT – VAWA OFFENSES ON MAIN CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
Domestic Violence	2018	4	4	0	0
	2019	6	6	0	0
	2020	0	0	0	0
Dating Violence	2018	9	6	0	0
	2019	18	17	0	0
	2020	3	2	0	0
Stalking	2018	11	4	0	0
	2019	12	4	0	0
	2020	1	0	0	1

CLERY ACT – HATE CRIME REPORTING ON MAIN CAMPUS

There were no hate crimes reported for the reporting periods of 2018, 2019, and 2020.

UNIFORM CRIME REPORTS – PART I OFFENSES ON MAIN CAMPUS

The West Chester University Department of Public Safety is required to report crimes under the Uniform Crime Reporting System in addition to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Due to differences in crime classifications and their definitions, reported statistics in the two reports are generally not comparable.

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
MANSLAUGHTER BY NEGLIGENCE	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
RAPE	2018	1	15,661	1/15,661
	2019	2	15,642	1/7,821
	2020	0	17,328	0
ROBBERY	2018	2	15,661	1/7,830
	2019	1	15,642	1/15,642
	2020	0	17,328	0
AGGRAVATED ASSAULT	2018	0	15,661	0
	2019	2	15,642	2/7,821
	2020	6	17,328	1/495
BURGLARY	2018	2	15,661	1/7,830
	2019	2	15,642	1/7,821
	2020	2	17,328	1/1444
LARCENY	2018	17	15,661	1/921
	2019	21	15,642	1/745
	2020	11	17,328	1/275

MOTOR VEHICLE THEFT	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
ARSON	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0

* The offense ratio is based on the actual number of full-time equivalent (FTE) students and employees, which is calculated according to a state-mandated formula. The FTE figure in the table above is based on incidents reported per 100,000 FTEs. Standard rounding rules are applied.

UNIFORM CRIME REPORTS – PART II OFFENSES ON MAIN CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
OTHER ASSAULTS	2018	39	15,661	1/401
	2019	38	15,642	1/412
	2020	26	17,328	1/116
FORGERY	2018	3	15,661	1/5,220
	2019	2	15,642	1/7,821
	2020	0	17,328	0
FRAUD	2018	9	15,661	1/1,740
	2019	12	15,642	1/1,304
	2020	0	17,328	0
EMBEZZLEMENT	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
RECEIVING STOLEN PROPERTY	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
VANDALISM	2018	9	15,661	1/1,740
	2019	16	15,642	1/978
	2020	8	17,328	1/377
WEAPONS OFFENSES	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
PROSTITUTION	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
SEX OFFENSES	2018	3	15,661	1/5,220
	2019	6	15,642	1/2,607
	2020	3	17,328	1/1020
DRUG OFFENSES	2018	74	15,661	1/212
	2019	33	15,642	1/474
	2020	12	17,328	1/251

GAMBLING	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
OFFENSES AGAINST FAMILY	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
DRIVING UNDER THE INFLUENCE	2018	18	15,661	1/870
	2019	7	15,642	½,235
	2020	1	17,328	1/288
LIQUOR LAW VIOLATIONS	2018	172	15,661	1/91
	2019	111	15,642	1/140
	2020	41	17,328	1/074
PUBLIC DRUNKENNESS	2018	6	15,661	½,610
	2019	4	15,642	1/3,911
	2020	1	17,328	1/288
DISORDERLY CONDUCT	2018	8	15,661	1/1,957
	2019	4	15,642	1/3,911
	2020	1	17,328	1/288
VAGRANCY	2018	0	15,661	0
	2019	0	15,642	0
	2020	0	17,328	0
ALL OTHER OFFENSES	2018	9	15,661	1/1,740
	2019	10	15,642	1/1,564
	2020	26	17,328	1/116

* The offense ratio is based on the actual number of full-time equivalent (FTE) students and employees, which is calculated according to a state-mandated formula. The FTE figure in the table above is based on incidents reported per 100,000 FTEs. Standard rounding rules are applied.

APPENDIX B

WEST CHESTER UNIVERSITY OF PENNSYLVANIA – CLERY ACT STATISTICS

ARRESTS AND REFERRALS ON GRADUATE CENTER CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON-CAMPUS	PUBLIC PROPERTY
LIQUOR LAW VIOLATIONS (ARREST)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
DRUG LAW VIOLATIONS (ARREST)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
WEAPONS VIOLATIONS (ARRESTS)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0

1. On Campus -Any Building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes. University residence halls are included with this definition. Any building or property that is within or reasonably contiguous to the areas described above that supports University purposes and that is: owned by the University but controlled by another person or entity; or is frequently used by students.
2. Residential Facilities – Dormitories or other residential facilities for students on campus is a subset of the On-Campus Category. Statistics from this category are repeated in the On-Campus column.
3. Non Campus- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.
4. Public Property – All public property, including thoroughfares, streets and sidewalks that is within the campus or immediately adjacent to and accessible from the campus. Data collected and reported by the Borough of West Chester Police Department and West Goshen Township Police Department.

► **Definitions & Terms for all categories – Please see Appendix E.**

CLERY ACT – CRIME REPORTING ON GRADUATE CENTER CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
MANSLAUGHTER BY NEGLIGENCE	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
SEX OFFENSES RAPE	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
SEX OFFENSES FONDLING	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
SEX OFFENSES INCEST	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
SEX OFFENSES STATUTORY RAPE	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
ROBBERY	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
AGGRAVATED ASSAULT	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
BURGLARY	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
MOTOR VEHICLE THEFT	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
ARSON	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0

This table contains crimes reported to West Chester University's Public Safety Department, campus officials, and other law enforcement agencies. These reports of crime are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the "Clery Act." The Clery Act is a federal law that requires all post-secondary educational institutions participating in federal student financial aid programs to publicly disclose crime statistics and crime prevention/security policies for their campuses every year.

CLERY ACT – VAWA OFFENSES ON GRADUATE CENTER CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
Domestic Violence	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
Dating Violence	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
Stalking	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0

Unfounded Crimes

There were zero unfounded crimes in 2018, zero unfounded crimes in 2019 and zero unfounded crimes in 2020.

CLERY ACT – HATE CRIME REPORTING GRADUATE CENTER CAMPUS

There were no hate crimes reported for the reporting periods of 2017, 2018, and 2019.

UNIFORM CRIME REPORTS – PART I OFFENSES ON GRADUATE CENTER CAMPUS

The West Chester University Department of Public Safety is required to report crimes under the Uniform Crime Reporting System in addition to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Due to differences in crime classifications and their definitions, reported statistics in the two reports are generally not comparable.

In accordance with COVID-19 mitigation efforts all courses at the Graduate Business Center (GBC) were remote and no students or employees were at the Graduate Business Center. Graduate students in programs at the GBC are included in the overall student headcount and Full Time Equivalent calculation.

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
MANSLAUGHTER BY NEGLIGENCE	2018	0	237	0
	2019	0	236	0
	2020	0	1	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2018	0	237	0
	2019	0	266	0
	2020	0	1	0
RAPE	2018	0	237	0
	2019	0	236	0
	2020	0	1	0
ROBBERY	2018	0	237	0
	2019	0	236	0
	2020	0	1	0
AGGRAVATED ASSAULT	2018	0	237	0
	2019	0	236	0
	2020	0	1	0
BURGLARY	2018	0	237	0
	2019	0	236	0
	2020	0	1	0

LARCENY	2018	1	237	0
	2019	0	236	0
	2020	0	1	0
MOTOR VEHICLE THEFT	2018	0	237	0
	2019	0	236	0
	2020	0	1	0
ARSON	2018	0	237	0
	2019	0	236	0
	2020	0	1	0

* The offense ratio is based on the actual number of full-time equivalent (FTE) students and employees, which is calculated according to a state-mandated formula. The FTE figure in the table above is based on incidents reported per 100,000 FTEs. Standard rounding rules are applied.

UNIFORM CRIME REPORTS – PART II OFFENSES ON GRADUATE CENTER CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
OTHER ASSAULTS	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
FORGERY	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
FRAUD	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
EMBEZZLEMENT	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
RECEIVING STOLEN PROPERTY	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
VANDALISM	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
WEAPONS OFFENSE	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
PROSTITUTION	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
SEX OFFENSES	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
DRUG OFFENSES	2018	0	237	0
	2019	0	236	0
	2020	0	0	0

GAMBLING	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
OFFENSES AGAINST FAMILY	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
DRIVING UNDER THE INFLUENCE	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
LIQUOR LAW VIOLATIONS	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
PUBLIC DRUNKENNESS	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
DISORDERLY CONDUCT	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
VAGRANCY	2018	0	237	0
	2019	0	236	0
	2020	0	0	0
ALL OTHER OFFENSES	2018	0	237	0
	2019	0	236	0
	2020	0	0	0

* The offense ratio is based on the actual number of full-time equivalent (FTE) students and employees, which is calculated according to a state-mandated formula. The FTE figure in the table above is based on incidents reported per 100,000 FTEs. Standard rounding rules are applied.

APPENDIX C

WEST CHESTER UNIVERSITY OF PENNSYLVANIA – CLERY ACT STATISTICS

ARRESTS AND REFERRALS ON EXTON CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON-CAMPUS	PUBLIC PROPERTY
LIQUOR LAW VIOLATIONS (ARREST)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
DRUG LAW VIOLATIONS (ARREST)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
WEAPONS VIOLATIONS (ARRESTS)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0

1. On Campus - Any Building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes. University residence halls are included with this definition. Any building or property that is within or reasonably contiguous to the areas described above that supports University purposes and that is: owned by the University but controlled by another person or entity; or is frequently used by students.

2. Residential Facilities – Dormitories or other residential facilities for students on campus is a subset of the On-Campus Category. Statistics from this category are repeated in the On-Campus column.

3. Non Campus- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

4. Public Property – All public property, including thoroughfares, streets and sidewalks that is within the campus or immediately adjacent to and accessible from the campus. Data collected and reported by the West Whiteland Police Department.

► Definitions & Terms for all categories – Please see Appendix E.

CLERY ACT – CRIMINAL REPORTING ON EXTON CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
MANSLAUGHTER BY NEGLIGENCE	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
SEX OFFENSES RAPE	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
SEX OFFENSES FONDLING	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
SEX OFFENSES INCEST	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
SEX OFFENSES STATUTORY RAPE	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
ROBBERY	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
AGGRAVATED ASSAULT	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
BURGLARY	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
MOTOR VEHICLE THEFT	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
ARSON	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0

This table contains crimes reported to West Chester University's Public Safety Department, campus officials, and other law enforcement agencies. These reports of crime are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the "Clery Act." The Clery Act is a federal law that requires all post-secondary educational institutions participating in federal student financial aid programs to publicly disclose crime statistics and crime prevention/security policies for their campuses every year.

CLERY ACT – VAWA OFFENSES ON EXTON CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
Domestic Violence	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
Dating Violence	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0
Stalking	2018	0	N/A	0	0
	2019	0	N/A	0	0
	2020	0	N/A	0	0

Unfounded Crimes

There were zero unfounded crimes in 2018, zero unfounded crimes in 2019 and zero unfounded crimes in 2020.

CLERY ACT – HATE CRIME REPORTING ON EXTON CAMPUS

There were no hate crimes reported for the reporting periods of 2017, 2018, and 2019.

UNIFORM CRIME REPORTS – PART I OFFENSES ON EXTON CAMPUS

The West Chester University Department of Public Safety is required to report crimes under the Uniform Crime Reporting System in addition to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Due to differences in crime classifications and their definitions, reported statistics in the two reports are generally not comp

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
MANSLAUGHTER BY NEGLIGENCE	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
RAPE	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
ROBBERY	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
AGGRAVATED ASSAULT	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
BURGLARY	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
LARCENY	2018	0	47	0
	2019	0	41	0
	2020	0	188	0

MOTOR VEHICLE THEFT	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
ARSON	2018	0	47	0
	2019	0	41	0
	2020	0	188	0

* The offense ratio is based on the actual number of full-time equivalent (FTE) students and employees, which is calculated according to a state-mandated formula. The FTE figure in the table above is based on incidents reported per 100,000 FTEs. Standard rounding rules are applied.

UNIFORM CRIME REPORTS – PART II OFFENSES ON EXTON CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
OTHER ASSAULTS	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
FORGERY	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
FRAUD	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
EMBEZZLEMENT	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
RECEIVING STOLEN PROPERTY	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
VANDALISM	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
WEAPONS OFFENSES	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
PROSTITUTION	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
SEX OFFENSES	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
DRUG OFFENSES	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
GAMBLING	2018	0	47	0
	2019	0	41	0
	2020	0	188	0

OFFENSES AGAINST FAMILY	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
DRIVING UNDER THE INFLUENCE	2018	0	47	0
	2019	0	41	0
	2020	0	188	
LIQUOR LAW VIOLATIONS	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
PUBLIC DRUNKENNESS	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
DISORDERLY CONDUCT	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
VAGRANCY	2018	0	47	0
	2019	0	41	0
	2020	0	188	0
ALL OTHER OFFENSES	2018	0	47	0
	2019	0	41	0
	2020	0	188	0

* The offense ratio is based on the actual number of full-time equivalent (FTE) students and employees, which is calculated according to a state-mandated formula. The FTE figure in the table above is based on incidents reported per 100,000 FTEs. Standard rounding rules are applied.

APPENDIX D

MASS NOTIFICATION POLICY

West Chester University of Pennsylvania Official University Mass Communication Methods

Scope

This policy covers official West Chester University mass communication methods to ensure effective and efficient communication and provide accurate and timely information to the campus community and the general public for emergency notifications and timely warnings, weather-related events, important time-sensitive announcements, and non-emergency general communications.

Policy Statement

This policy covers all internal electronic mass communications to West Chester University faculty, staff, and students. Mass communications are those electronic messages that are sent without self-subscription or opt-out capabilities. All internal mass communications will refer only to official business or official activities of West Chester University.

West Chester University must exercise appropriate control over electronic communications in order to properly maintain network performance, limit the number of unsolicited email messages, and prevent desensitization that could inhibit the communication of critical information. **As a result, the use of the WCU All Employees email distribution list will be limited to** emergency notifications and timely warnings, weather-related events, and important time-sensitive announcements (as described below).

Note: This policy does not limit or prohibit the use of other methods of email dissemination. Communications not covered by this policy would include electronic messages from central service providers about a service they provide (e.g. WCU Information Services notifying email users that the system will be shut down for maintenance.) Also exempt from this policy are email distribution lists that are created or typically considered “opt-in,” such as discussions groups, committees, and project teams, etc.

The Vice President for Information Services, or his/her designee, will make any final judgment call in cases where this policy does not clearly apply or in cases when the protocol changes as the emergency situation unfolds.

Any individual who is deemed in violation of this policy may be subject to disciplinary.

Responsibilities

- West Chester University faculty, staff, and students must activate and maintain regular access to University-provided electronic mail accounts.
- West Chester University faculty, staff, and students are responsible for accessing electronic mail to obtain official University communications.
- Failure to access the electronic mail account will not exempt individuals from associated responsibilities and liabilities.
- Departments that supervise employees or students with limited or unavailable computer resources are responsible for providing alternative notification systems for these employees and/or students.

West Chester University offers a text messaging subscription service for all faculty, staff, and students to receive notification of major emergencies and timely warnings and strongly encourages subscribing to this important service. There is no cost to register; however, some cell phone providers may apply a small cost per text message sent or received. Subscribers will receive text messages on any device that accepts text messaging (SMS) through cellular service, such as cell phones, text pagers, BlackBerrys, and some wireless PDAs. In addition, there is an option to have messages sent to a personal email address. The University offers this service to notify the campus of emergencies and/or timely warnings. In addition, there is an option to receive weather-related cancellations as well. Subscribe to receive text messages of campus emergencies and/or weather-related cancellations at <http://www.wcupa.edu/wcualert/>.

Categories – Mass Communication

West Chester University of PA employs four categories of mass communication:

- Emergency Notifications and Timely Warnings
- Weather-Related Announcements
- Important Time-Sensitive Announcements
- Non-Emergency – General Communications

Emergency Notifications and Timely Warnings

Emergency Notifications are required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. An “immediate” threat as used here encompasses an imminent or impending threat such as an approaching fire, as well as a fire currently raging in a campus building.

Examples of significant emergencies when an Emergency Notification may be issued:

- Outbreak of meningitis, norovirus, or other serious illness
- Approaching weather such as a tornado or hurricane
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil Unrest
- Explosion

Emergency Notifications may be issued by some or all of the following methods of communication: emergency text messaging, email blasts, posting on the WCU homepage, recorded message on the WCU information line and external emergency notification broadcasts.

► **Initial emergency communications will be sent immediately and will convey only the most critical information. Details will be carried on the University’s homepage, which will be updated as circumstances dictate.**

Secondary Communication Distribution Methods: In an emergency, secondary communication methods may be activated as circumstances dictate. Examples:

Communication Channels	Responsible Party
Posting to D2L and email	Information Services Division
Activate a recorded message for those using WCU voice mail functionality	Information Services Division
Activate University’s emergency public address system, sirens, and blue light stations	Public Safety Division
Request Reverse 911 telephone message via the Chester County Emergency Services system	Director of Public Safety
Request Reverse 911 telephone message via the Borough of West Chester system	Director of Public Safety
Contact selected news media (radio and TV stations) including WCU’s radio station WCUR AM 91.7	Director of Public Relations
Announcements via electronic bulletin boards in Anderson Hall, Sykes Union Building, and external kiosk at Ruby Jones Hall	Information Services Division for Anderson Hall; Sykes Union Director for the Sykes Building and Ruby Jones external kiosk
Announcements via police cruiser public address systems, bullhorns, or digital sign boards	Public Safety Division
Announcements via individual building public address systems	Residence Life Staff - including The Village and University Hall
Announcement on football scoreboard/Farrell Stadium	Athletic Director
Telephone Trees or Phone Chains – many campus departments have incorporated phone chains into their procedures to notify individual personnel. In addition, person-to person or paper communication in residence halls, academic/administration buildings, including Library and food service centers, etc. In most cases, electronic communication is preferable to paper communication, but paper communication may be used as the situation deems it.	Deans, Building Administrators, Assistant Building Administrators, Student Affairs Division personnel

Post Emergency Communication: The University will issue an “all clear” message to convey the University’s return to normal operations to all faculty, staff and students via University-assigned email accounts, the WCU homepage, and text message via e2campus subscribers. Details regarding the incident will be communicated on the University’s homepage.

Timely warnings must be issued for the following crimes if the crimes are reported to campus security authorities (CSA) or local police agencies; are considered by the University to represent a serious or continuing threat to students and employees; and occur in certain geographic locations as defined by the Clery Act:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible and non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

Timely warnings may be issued by some or all of the following methods of communication: email, text message, building postings by Building Administrators and postings on the DPS website at: <http://www.wcupa.edu/dps/>.

Weather-Related Announcements

This message category is used to transmit University class delays or cancellations due to general or typical weather-related events.

However, severe weather events that may require those on campus to take shelter will be categorized as a Priority 1—Emergency Notification. Assessment and response to and recovery from emergencies will be conducted within the framework of the WCU Emergency Operations Plan.

Communication Distribution Methods:

When storm conditions affect the operation of the University, announcements for class cancellations and/or delays are made via:

- Text message to **WCU ALERT** subscribers
- Mass emails to faculty, staff, and students (WCU-assigned email accounts)
- Posted on WCU’s homepage at <http://www.wcupa.edu>
- Recorded message on WCU’s Information Line – 610-436-1000
- Broadcast on many radio and TV stations

Important Time-Sensitive Announcements

This message category involves any potential or actual incident that is local in nature, has limited impact, will not seriously affect the overall functioning of the University, and can usually be handled using University resources. Examples — unscheduled changes to campus procedures or services, service disruptions to buildings, certain construction activity, etc.

Communication Distribution Methods:

- Mass emails to faculty and staff (WCU-assigned email accounts)
- As circumstances warrant, mass emails to the student distribution list (WCU-assigned email accounts)
- As circumstances warrant, other University communication channels may be used.

Non-Emergency – General Announcements/Communications

This message category is used for general announcements or communications of interest to the University at large.

Distribution Methods: Distribution of announcements/communications will follow one of three tracks:

1. Email messages via individually maintained or University-maintained group email distribution lists
2. Public Relations weekly event notification
3. Human Resources Homepage – News Update Section

(1) University-maintained group email distribution Lists

The utilization of specific distribution lists for targeted groups is advised for non-emergency or general announcements. However, use of these distribution lists is restricted to official business or official activities of West Chester University, and as an example, cannot be used for solicitation purposes external to the University.

To avoid any confusion, email users transmitting general announcements should not use the words **Urgent**, **Urgent Notice**, **Important**, or **Important Notice** in the subject line of their email messages. In addition, email users should also avoid highlighting their messages with an **exclamation mark** unless the messages are very high priority.

West Chester University maintains the following group email distribution lists, which are located in the Global Address book. **These distribution lists are accessible to all employees and are the preferred method for distributing general, non-emergency announcements.**

Distribution List Name	Maintained by:
WCU Academic Department Contacts	Provost’s Office
WCU Administrative Department Contacts	Information Services
WCU All Faculty	Provost’s Office
WCU All Managers	Human Resources
WCU Chairs Distribution List	Provost’s Office
WCU Deans Council	Provost’s Office
WCU Departments Distribution List	Information Services
WCU President’s Cabinet	President’s Office
WCU President’s Council	President’s Office
WCU President’s Council Support Staff	President’s Office

(2) Human Resources webpage – News Update

This News Update section in the Human Resources webpage will be used as a repository for personnel-related announcements that in the past would have been sent using

the All Employees email distribution list. Exceptions will be made for time-sensitive announcements such as employee bereavement notices or pertinent labor-relations information that will require the use of the All Employees email list.

While use of this Human Resources News Update is preferred, individual divisions or departments may still e-mail their personnel-related announcements or information to selected distribution lists, but not to the entire campus via the All Employees distribution list.

To avoid any confusion, email users transmitting personnel-related announcements should not use the words **Urgent, Urgent Notice, Important, or Important Notice** in the subject line of their email messages. In addition, email users should also avoid highlighting their messages with an **exclamation mark** unless the messages are very high priority. Examples: Search Committee announcements/schedules, hires/appointments, retirements/resignations, employee transfers, etc. Those wishing to submit information for the posting on the Human Resources News Bulletin should contact HumanResourceServices@wcupa.edu.

► **The use of the WCU All Employees email distribution list will be restricted to announcements categorized as emergency notifications, timely warnings, weather-related, or other important time-sensitive announcements. The All Employees email distribution should not be used for general communication.**

Exceptions: The President's Office will continue to use the All Employees email distribution list to convey messages of importance, FYI Bulletins, or other information that the President determines should reach all employees.

Effective Date

This policy is effective January 15, 2008 and supersedes all previous All Users policies.

APPENDIX E

CLERY DESIGNATED DEFINITIONS

Clery designated crime definitions

PASSHE Center City is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

1. **Homicide: Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
2. **Homicide: Manslaughter by Negligence-** The killing of another person through gross negligence.
3. **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - e. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - f. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - g. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - h. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
5. **Robbery:** The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
6. **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that the injury result from an aggravated assault when a gun, knife, or other weapon is used which would and probably would result in serious personal injury if the crime were successfully completed).
7. **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
8. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
9. **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Clery designated hate crime definitions

1. **Hate Crime** – A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of Clery, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.
2. **Bias** – A preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

3. **Race (Bias)** – A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g. Asians, blacks, whites).
4. **Gender (Bias)** – A preformed negative opinion or attitudes toward a group of persons because those persons are male or female.
5. **Gender Identity (Bias)** – A preformed negative opinion or attitude toward an individual or group because of actual or perceived gender-related characteristics.
6. **Religion (Bias)** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g. Catholics, Jews, Protestants, atheists).
7. **Sexual Orientation (Bias)** – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.
8. **Ethnicity (Bias)** – A preformed negative opinion or attitude toward a group of persons who share common or similar traits, languages, customs, and traditions (e.g. Arabs, Hispanics).
9. **National Origin (Bias)** – A preformed negative opinion or attitude toward a group of persons who are from a particular country or part of the world.
10. **Disability (Bias)** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital, or acquired by heredity, injury, advanced age or illness.
11. **Larceny-theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession (position to exercise control over a thing regardless of possession) of another.
12. **Simple assault** – The attack by one person upon another without a weapon, no obvious severe or aggravated bodily injury involving broken bones, loss of teeth, internal injury, severe laceration, or loss of consciousness.
13. **Intimidation** – To place a person in reasonable fear of bodily harm through use of threatening words and/or other conduct without displaying a weapon or subjecting the victim to actual physical attack.
14. **Destruction/damage/vandalism of property** – To willfully and maliciously destroy, damage, deface, or otherwise injure real or personal property without owner's consent or the person who has control or custody of it.

Clery designated definitions and terms: arrests and disciplinary referrals

1. **Drug Law Violations** – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
2. **Liquor Law Violations** – The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
3. **Weapons Law Violations (Carrying, Possession, Etc.)** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
4. **Referral for Campus Disciplinary Action** – The referral of any person to a campus official who initiates a disciplinary action of which a record is kept, and which may result in the imposition of a sanction.

Uniform Crime Reporting definitions

Under the Pennsylvania College and University Security Information Act, PASSHE Center City is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned or controlled by the State System. The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes. Each month the Philadelphia Police Department submits information on the number of Part I and Part II offenses known to law enforcement; those offenses cleared by arrest or exceptional means; and the age, sex, and race of persons arrested for each of the offenses.

The Part I Offenses are:

Murder and non-negligent

manslaughter – The willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to: (1) the killing of a felon by a law enforcement officer in the line of duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen. b.) **Manslaughter by negligence:** the killing of another person through gross negligence. Traffic fatalities are excluded.

Rape – The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Robbery – The taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary (breaking or entering) – The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny – theft (except motor vehicle theft) The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Motor vehicle theft – The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

The Part II offenses are:

Other assaults (simple) – Assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim.

Forgery and counterfeiting – The altering, copying, or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Attempts are included.

Fraud – The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses, confidence games and bad checks, except forgeries and counterfeiting, are included.

Embezzlement – The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

Stolen property, buying, receiving, possessing – Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.

Vandalism – To willfully or maliciously

destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

Weapons; carrying, possessing, etc. – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

Prostitution and commercialized vice – The unlawful promotion of or participation in sexual activities for profit, including attempts.

Sex offenses (except forcible rape, prostitution, and commercialized vice) – Statutory rape, offenses against chastity, common decency, morals, and the like. Attempts are included.

Drug abuse violations – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics – manufactured narcotics that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

Gambling – To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

Offenses against the family and children – Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault or Sex Offenses. Attempts are included.

Driving under the influence – Driving or

operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

Liquor Laws – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

Drunkenness – To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired. Excludes driving under the influence.

Disorderly conduct – Any behavior that tends to disturb the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

Vagrancy – The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

All other offenses – All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.

APPENDIX F

DEFINITION OF TERMS AS DEFINED BY PENNSYLVANIA STATE CRIMINAL STATUTES

Consent is defined in Pennsylvania Criminal Law as;

311. Consent.

A. GENERAL RULE. The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

B. CONSENT TO BODILY INJURY. When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:

1. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
2. The consent establishes a justification for the conduct under Chapter 5 of this title. (Relating to general principles of justification).

C. **INEFFECTIVE CONSENT.** Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

1. It is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense.
2. It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
3. It is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
4. It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1992-24 (S.B.3), PL.108, 17, approved Apr.13, 1992, eff. in 60 days.

Sexual assault is defined under the following statutes in Pennsylvania criminal code: PA Crimes Code CHAPTER 31.

INDECENT CONTACT – Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.

SERIOUS BODILY INJURY – As defined in section 2301 (relating to definitions).

SEXUAL INTERCOURSE – In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1984-230 (H.B. 281), PL. 1210, 1, approved Dec. 21, 1984, eff. immediately; Act 1990-4 (H.B. 1120), PL. 6, 4, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special

Session-10 (S.B. 2), PL. 985, 1, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL. 1350, 1, approved Dec. 9, 2002, eff. In 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1, approved Dec. 16, 2002, eff. in 60 days.

3102. Mistake as to Age

Except as otherwise provided, whenever in this chapter the criminality of conduct depends on a child being below the age of 14 years, it is no defense that the defendant did not know the age of the child or reasonably believed the child to be the age of 14 years or older. When criminality depends on the child's being below a critical age older than 14 years, it is a defense for the defendant to prove by a preponderance of the evidence that he or she reasonably believed the child to be above the critical age.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 1, approved Mar. 31, 1995, See section of this act for effective date information.

3104. Evidence of Victims Sexual Conduct.

A. GENERAL RULE. Evidence of specific instances of the alleged victims past sexual conduct, opinion evidence of the alleged victims past sexual conduct, and reputation evidence of the alleged victims past sexual conduct shall not be admissible in prosecutions under this chapter except evidence of the alleged victims past sexual conduct

SEXUAL OFFENSES

SUBCHAPTER A. GENERAL PROVISIONS SUBCHAPTER B. DEFINITION OF OFFENSES SUBCHAPTER C. LOSS OF PROPERTY RIGHTS

SUBCHAPTER A. GENERAL PROVISIONS

- 3101. Definitions.
- 3102. Mistake as to age.
- 3104. Evidence of victim's sexual conduct.
- 3105. Prompt complaint.
- 3106. Testimony of complainants.
- 3107. Resistance not required.
- 3101. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases used in this chapter shall have, unless the context clearly states otherwise, the meanings given to them in this section.

COMPLAINANT – An alleged victim of a crime under this chapter.

DEVIATE SEXUAL INTERCOURSE – Sexual intercourse per os (per mouth) or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

FORCIBLE COMPULSION – Compulsion by use of physical, intellectual, moral, emotional, or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

FOREIGN OBJECT – Includes any physical object not a part of the actors' body.

with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.

B. EVIDENTIARY PROCEEDINGS. A defendant who proposes to offer evidence of the alleged victims past sexual conduct pursuant to subsection (a) shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards set forth in subsection (a). Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days.

3105. Prompt Complaint.

Prompt reporting to public authority is not required in a prosecution under this chapter: Provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence of the complainant's failure to promptly report the crime if such evidence would be admissible pursuant to the rules of evidence.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information.

3106. Testimony of Complainants.

The credibility of a complainant of an offense under this chapter shall be determined by the same standard as is the credibility of a complainant of any other crime. The testimony of a complainant need not be corroborated in prosecutions under this chapter. No instructions shall be given cautioning the jury to view the complainant's testimony in any other way than that in which all complainants' testimony is viewed.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 2, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B.2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information.

3107. Resistance not Required.

The alleged victim need not resist the actor in prosecutions under this chapter: Provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence that the alleged victim consented to the conduct in question.

Act 1976-53 (H.B. 580), PL. 120, 2, approved May 18, 1976, eff. in 30 days.

SUBCHAPTER B. DEFINITION OF OFFENSES

3121. Rape.

3122.1. Statutory sexual assault.

3123. Involuntary deviate sexual intercourse.

3124.1. Sexual assault.

3124.2. Institutional sexual assault.

3125. Aggravated indecent assault.

3126. Indecent assault.

3127. Indecent exposure.

3129. Sexual intercourse with animal.

3130. Conduct relating to sex offenders. [Effective until December 20, 2012]

3130. Conduct relating to sex offenders [Effective December 20, 2012]

3121. Rape

A. OFFENSE DEFINED. A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

1. By forcible compulsion.
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
3. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
4. Where the person has substantially impaired the complainants' power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means for the purpose of preventing resistance.
5. Who suffers from a mental disability which renders the complainant incapable of consent.
6. (Deleted by amendment).

B. ADDITIONAL PENALTIES. In addition to the penalty provided for by subsection;

1. a person may be sentenced to an additional term not to exceed ten years confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainants power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

C. RAPE OF A CHILD. A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

D. RAPE OF A CHILD WITH SERIOUS BODILY INJURY. A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

E. SENTENCES. Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

1. Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years
2. Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1984-230 (H.B. 281), PL. 1210, 1, approved Dec. 21, 1984, eff. in 60 days; Act 1995 Special Session-10 (S.B.2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information; Act 1997-65 (H.B. 1125), PL. 621, 2, approved Dec. 19, 1997, eff. in 60 days; Act 2002-162 (H.B.976), PL. 1350, 2, approved Dec. 9, 2002, eff. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eff. in 60 days.

3122.1. Statutory Sexual Assault.

A. FELONY OF THE SECOND DEGREE.

Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

1. Four years older but less than eight years older than the complainant; or
2. Eight years older but less than 11 years older than the complainant.

B. FELONY OF THE FIRST DEGREE.

A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to

each other.

Act 1995 Special Session-10 (S.B. 2), PL. 985, 5, approved Mar 31, 1995, See section of this act for effective date information; Act 2011-111 (S.B.1183), 1, approved Dec. 20, 2011, eft. in 60 days.

3123. Involuntary Deviate Sexual Intercourse. (a)

A. OFFENSE DEFINED. A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

1. by forcible compulsion.
2. by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
3. who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
4. where the person has substantially impaired the complainants' power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
5. who suffers from a mental disability which renders him or her incapable of consent; or (6) (Deleted by amendment).
6. who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

B. INVOLUNTARY DEVIATE SEXUAL INTERCOURSE WITH A CHILD. A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

C. INVOLUNTARY DEVIATE SEXUAL INTERCOURSE WITH A CHILD WITH SERIOUS BODILY INJURY. A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

D. SENTENCES. Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

1. Subsection (b) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.
2. Subsection (c) shall be sentenced up to a maximum term of life imprisonment.

E. DEFINITION. As used in this section, the term forcible compulsion includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eft. in 6 months; Act 1995 Special Session-10 (S.B. 2), PL. 985, 6, approved Mar 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B. 976), PL. 1350, 2, approved Dec. 9, 2002, eft. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eft. in 60 days.

3124.1. Sexual assault.

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainants consent.

Act 1995 Special Session-10 (S.B. 2), PL. 985, 8, approved Mar 31, 1995, See section of this act for effective date information.

3124.2. Institutional Sexual Assault.

A. GENERAL RULE. Except as provided under subsection (a.1) and in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits

a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.

A.1. INSTITUTIONAL SEXUAL ASSAULT OF A MINOR. A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, state or county juvenile detention facility, other licensed residential facility serving children and youth or a mental health or a mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident who is under 18 years of age.

A.2. SCHOOLS.

1. Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.
2. As used in this subsection, the following terms shall have the meanings given to them in this paragraph:
 - a. Direct contact. Care, supervision, guidance, or control.
 - b. Employee. (A) Includes:
 - i. A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice-principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.
 - ii. An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

B. The term does not include:

1. A student employed at the school.
2. An independent contractor or any employee of an independent contractor who has no direct contact with school students.
3. School. A public or private school, intermediate unit, or area vocational-technical school.
4. Volunteer. The term does not include a school student.

(a.3) **CHILD CARE.** Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a center for children commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child who is receiving services at the center.

C. DEFINITIONS. As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

Agent. A person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution, who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

Center for children. Includes a child day-care center, group and family day-care home, boarding home for children, a center providing early intervention and drug and alcohol

services for children or other facility which provides child-care services which are subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with the department or a county social services agency. The term does not include a youth development center, youth forestry camp, State or county juvenile detention facility and other licensed residential facility serving children and youth.

Act 1998-157 (H.B. 689), PL. 1240, 1, approved Dec. 21, 1998, eff. in 60 days; Act 2000-12 (S.B.1047), PL. 38, 1, approved May 10, 2000, eff. immediately; Act 2011-111 (S.B. 1183), 1, approved Dec. 20, 2011, eff. in 60 days.

3125. Aggravated Indecent Assault.

A. OFFENSES DEFINED. Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

1. the person does so without the complainant's consent.
2. the person does so by forcible compulsion.
3. the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
4. the complainant is unconscious, or the person knows that the complainant is unaware that the penetration is occurring.
5. the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
6. the complainant suffers from a

mental disability which renders him or her incapable of consent.

7. the complainant is less than 13 years of age; or
8. the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

B. AGGRAVATED INDECENT ASSAULT OF A CHILD. A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

C. GRADING AND SENTENCES.

1. An offense under subsection (a) is a felony of the second degree.
2. An offense under subsection (b) is a felony of the first degree.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1973-117 (S.B. 513), PL. 341, 1, approved Nov. 28, 1973, eff. in 60 days; Act 1990-4 (H.B. 1120), PL. 6, 5, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL. 1350, 2, approved Dec. 9, 2002, eff. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eff. in 60 days.

3126. Indecent Assault.

A. OFFENSE DEFINED. A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

1. the person does so without the complainants consent.
2. the person does so by forcible compulsion.
3. the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
4. the complainant is unconscious,

or the person knows that the complainant is unaware that the indecent contact is occurring.

5. the person has substantially impaired the complainants' power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
6. the complainant suffers from a mental disability which renders the complainant incapable of consent.
7. the complainant is less than 13 years of age; or
8. the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

B. GRADING. Indecent assault shall be graded as follows:

1. An offense under subsection (a) (1) or (8) is a misdemeanor of the second degree.
2. An offense under subsection (a) (2), (3), (4), (5) or (6) is a misdemeanor of the first degree. (3) An offense under subsection (a)(7) is a misdemeanor of the first degree unless any of the following apply, in which case it is a felony of the third degree:
 - i. It is a second or subsequent offense.
 - ii. There has been a course of conduct of indecent assault by the person.
 - iii. The indecent assault was committed by touching the complainant's sexual or intimate parts with sexual or intimate parts of the person.
 - iv. The indecent assault is committed by touching the person's sexual or intimate parts with the complainant's sexual or intimate parts.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B. 580), PL. 120, 1, approved May 18, 1976, eff. in 30 days; Act 1990-4 (H.B. 1120), PL. 6, approved Feb. 2, 1990, eff.

in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information; Act 2005-76 (H.B.1400), PL. 412, 1, approved Nov. 23, 2005, eff. In 60 days.

3127. Indecent Exposure.

A. OFFENSE DEFINED. A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

B. GRADING. If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information.

3129. Sexual Intercourse with Animal.

A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.

Act 1999-8 (H.B. 124), PL. 67, 1, approved June 18, 1999, eff. in 60 days.

3130. Conduct Relating to Sex Offenders. [Effective until December 20, 2012]

A. OFFENSE DEFINED. A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offenders probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. 9795.2 (relating to registration procedures and applicability), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offenders probation or parole or

the requirements of 42 Pa.C.S. 9795.2:

1. D. Withholds information from or does not notify the law enforcement agent or agency about the sex offenders' noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. 9795.2 or, if known, the sex offenders whereabouts;
2. E. harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;
3. F. conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
4. G. provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

B. DEFINITION. As used in this section, the term sex offender means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. 9795.1 (relating to registration).

Act 2006-178 (S.B. 944), PL. 1567, 1, approved Nov. 29, 2006, eff. Jan. 1, 2007.

3130. Conduct Relating to Sex Offenders [Effective December 20, 2012]

A. OFFENSE DEFINED. A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offenders probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offenders probation or parole or the requirements of 42 Pa.C.S. Ch. 97 Subch. H:

1. withholds information from or does not notify the law enforcement agent or agency about the sex offenders' noncompliance with the requirements of parole, the require-

ments of 42 Pa.C.S. Ch. 97 Subch. H or, if known, the sex offenders whereabouts;

2. harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;
3. conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
4. provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

B. DEFINITION. As used in this section, the term sex offender means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H. *Act 2006-178 (S.B. 944), PL. 1567, 1, approved Nov. 29, 2006, eff. Jan. 1, 2007; Act 2011-111 (S.B. 1183), 1, approved Dec. 20, 2011, eff. in 1 year.*

SUBCHAPTER C. LOSS OF PROPERTY RIGHTS

3141. General rule.
[Effective until
December 20, 2012]

3142. Process and seizure.

3143. Custody of property.

3144. Disposal of property.

3141. General rule.
[Effective until December 20, 2012]

A person:

1. convicted under section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault); or (2) required to register with the Pennsylvania State Police under 42 Pa.C.S. 9795.2 (relating to registration procedures and applicability); may be required to forfeit property rights in any property or assets used to implement or facilitate commission of the crime or crimes of which the person has been convicted. Such property may include, but is not limited to, a computer or computers, telephone equipment, firearms, licit or illicit prescription drugs or controlled

substances, a motor vehicle or such other property or assets as determined by the court of common pleas to have facilitated the persons criminal misconduct.

Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eff. Jan. 1, 2007.

3142. Process and Seizure.

A. SEIZURE. Property subject to forfeiture under this section may be seized by law enforcement authority upon process issued by the court of common pleas having jurisdiction over the person or property

B. SEIZURE WITHOUT PROCESS. Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant and there is probable cause to be believe that the property was or is material to the charges for which the arrest or search warrant was issued. In seizures without process, proceedings for the issuance thereof shall be instituted immediately.

C. RETURN OF PROPERTY. Property belonging to someone other than the convicted sex offender or registrant shall be returned if the offense was committed without the knowledge or consent of the owner.

Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eff. Jan. 1, 2007.

3143. Custody of Property.

Property taken or detained under this subchapter is deemed to be the property of the law enforcement authority having custody thereof and is subject only to the court of common pleas having jurisdiction over the criminal or forfeiture proceedings, the district attorney in the matter or the Attorney General.

Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eff. Jan. 1, 2007.

3144. Disposal of Property.

Property taken or detained pursuant to the provisions of this subchapter shall be sold in the manner of property forfeited under 42 Pa.C.S. Ch. 68 (relating to forfeitures). The net proceeds, as determined by the law enforcement authority having custody thereof, shall be utilized for investigation or prosecution of sexual offenses or donated to nonprofit charitable institutions which provide counseling and other assis-

tance to victims of sexual offenses.

Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eff. Jan. 1, 2007.

Domestic violence is defined in Pennsylvania criminal statutes as:

2711. Probable Cause Arrests in Domestic Violence Cases.

A. GENERAL RULE. A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term family or household member has the meaning given that term in 23 Pa.C.S. 6102 (relating to definitions).

B. SEIZURE OF WEAPONS. The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.

C. BAIL.

1. A defendant arrested pursuant to this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case shall the arresting officer release the defendant from custody rather than taking the defendant before the issuing authority.
2. In determining whether to admit the defendant to bail, the issuing authority shall consider whether the defendant poses a threat of danger to the victim. If the issuing authority makes such a determination, it shall require as a condition of bail that the defendant shall refrain from entering the residence or household of

the victim and the victims place of employment and shall refrain from committing any further criminal conduct against the victim and shall so notify the defendant thereof at the time the defendant is admitted to bail. Such condition shall expire at the time of the preliminary hearing or upon the entry or the denial of the protection of abuse order by the court, whichever occurs first. A violation of this condition may be punishable by the revocation of any form of pretrial release or the forfeiture of bail and the issuance of a bench warrant for the defendants arrest or remanding him to custody or a modification of the terms of the bail. The defendant shall be provided a hearing on this matter.

D. NOTICE OF RIGHTS.

1. Upon responding to a domestic violence case, the police officer shall, orally or in writing, notify the victim of the availability of a shelter, including its telephone number, or other services in the community. Said notice shall include the following statement: If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) which could include the following:
 2. An order restraining the abuser from further acts of abuse.
 3. An order directing the abuser to leave your household.
 4. An order preventing the abuser from entering your residence, school, business, or place of employment.
 5. An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
 6. An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

Act 1986-10 (H.B. 350), PL. 27, 1, approved Feb. 15, 1986, eff. in 60 days; Act 1990-206 (H.B.1023), PL. 1240, 3, approved Dec. 19, 1990, eff. in 90 days; Act 2000-101 (S.B. 1444),

PL. 728, 1, approved Dec. 20, 2000, eff. in 60 days; Act 2002-218 (S.B. 1515), PL. 1759, 3, approved Dec. 9, 2002, eff. in 60 days.

Title 23 – Domestic Relations – Definitions

A. GENERAL RULE. The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Abuse.” The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
2. Placing another in reasonable fear of imminent serious bodily injury.
3. The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
4. Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
5. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

“Adult.” An individual who is 18 years of age or older.

“Certified copy.” A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of

the order of the issuing court shall not be required.

“Comparable court.” A foreign court that: (1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and (2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

“Confidential communications.” All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship.

The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor, or advocate in the course of the relationship. **“Domestic violence counselor/advocate.”** An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

“Domestic violence program.” A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

“Family or household members.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

“Firearm.” Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

“Foreign protection order.” A protection order as defined by 18 U.S.C. § 2266 (relat-

ing to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession, or commonwealth of the United States.

“Hearing officer.” A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

“Master for emergency relief.” A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

“Minor.” An individual who is not an adult.

“Other weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

“Safekeeping permit.” A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon, or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

“Secure visitation facility.” A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

“Sheriff.”

1. Except as provided in paragraph
2. the sheriff of the county.
3. In a city of the first class, the chief or head of the police department.

“Victim.” A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling, or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

“Weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm

which is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

(b) Other terms. Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa.C.S. (relating to crimes and offenses). (*Oct. 6, 1994, PL.574, No.85, eff. 60 days; Mar. 31, 1995, 1st Sp. Sess., PL.985, No.10, eff. 60 days; June 22, 2001, PL.576, No.39, eff. 60 days; Nov. 30, 2004, PL.1618, No.207, eff. 60 days; Nov. 10, 2005, PL.335, No.66, eff. 180 days; Oct. 9, 2008, PL.1352, No.98, eff. 60 days*)

Dating violence is defined in Pennsylvania criminal statutes as:

No separate state statute is provided in Pennsylvania criminal law for Dating Violence. Covered under Title 23 - Domestic Relations

Stalking is defined in Pennsylvania criminal statutes as:

PA CRIMES CODE

A. **OFFENSE DEFINED.** A person commits the crime of stalking when the person either:

1. Engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
2. Engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

B. VENUE

1. An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

2. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

C. GRADING

1. Except as otherwise provided for in paragraph (2), a first offense under this section shall constitute a misdemeanor of the first degree. (2) A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. 6108 (relating to relief) shall constitute a felony of the third degree.

D. FALSE REPORTS.

1. A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

E. APPLICATION OF SECTION. This section shall not apply to conduct by a party to a labor dispute as defined in the act of June 2, 1937 (P.L.1198, No. 308), known as the Labor Anti-Injunction Act, or to any constitutionally protected activity.

F. DEFINITIONS. As used in this section, the following words and phrases shall have the meanings given to them in this subsection: Communicates. To convey a message without intent of legitimate communication or address by oral, nonverbal, written, or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication, or similar transmission. Course of conduct. A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening, or obscene words, language, drawings, caricatures, or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

G. EMOTIONAL DISTRESS. A temporary or permanent state of mental anguish. Family or household member. Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

Act 2002-218 (S.B. 1515), PL. 1759, 2, approved Dec. 9, 2002, eft. in 60 days.

APPENDIX G

On Campus Property Addresses

ALLEGHENY HALL (Residential)	121 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
ANDERSON HALL	725 SOUTH CHURCH STREET WEST CHESTER BOROUGH
ALUMNI HOUSE	101 NORFOLK AVENUE WEST GOSHEN TOWNSHIP
ASPLUNDH CONCERT HALL	700 S. HIGH STREET WEST CHESTER BOROUGH
BAYLE HOUSE	703 SOUTH HIGH STREET WEST CHESTER BOROUGH
BUSINESS AND PUBLIC MANAGEMENT CNT.	50 SHARPLESS STREET WEST CHESTER BOROUGH
BRANDYWINE HALL (Residential)	709 SOUTH NEW STREET WEST CHESTER BOROUGH
CHEMICAL STORAGE	105 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
COLLEGE ARMS APTS (Residential)	721-731 SOUTH HIGH STREET WEST CHESTER BOROUGH
COMMONWEALTH HALL (Residential)	715 S. NEW STREET WEST CHESTER BOROUGH
EAST VILLAGE APTS (Residential)	250-258 EAST CAREY DRIVE EAST BRADFORD TOWNSHIP
EHRINGER GYM	700 SOUTH CHURCH STREET WEST CHESTER BOROUGH
EHRINGER ANNEX	710 SOUTH CHURCH STREET WEST CHESTER BOROUGH
ELECTRIC SUB STATION	703 SOUTH NEW STREET WEST CHESTER BOROUGH
E.O. BULL CENTER	2 EAST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
FARRELL STADIUM	875 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
FILANO HALL	628 SOUTH HIGH STREET WEST CHESTER BOROUGH
GLEN ECHO FARM	844 SOUTH NEW STREET EAST BRADFORD TOWNSHIP
GOSHEN HALL (Residential)	125 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
GRADUATE CENTER	1160 MCDERMOTT DRIVE WEST GOSHEN TOWNSHIP
HEALTH CENTER	715 SOUTH NEW STREET WEST CHESTER BOROUGH
HOLLINGER FIELD HOUSE	150 UNIVERSITY AVENUE WEST CHESTER BOROUGH
KILLINGER HALL (Residential)	115 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH

LAWRENCE HALL	260 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
MAIN HALL	720 SOUTH HIGH STREET WEST CHESTER BOROUGH
MATLACK STREET GARAGE	100 EAST CAMPUS DRIVE WEST GOSHEN TOWNSHIP
MCCOY HOUSE	801 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
MCCOY BARN	802 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
MCKELVIE HALL	102 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
MERION SCIENCE	720 SOUTH CHURCH STREET WEST CHESTER BOROUGH
MESSIKOMER HALL	100 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
MITCHELL HALL	675 SOUTH CHURCH STREET WEST CHESTER BOROUGH
MONTEMURO HOUSE	811 ROSLYN AVENUE WEST GOSHEN TOWNSHIP
NEW LIBRARY	25 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
WAREHOUSE	821 SOUTH MATLACK STREET WEST GOSHEN TOWNSHIP
OLD LIBRARY	775 SOUTH CHURCH STREET WEST CHESTER BOROUGH
PEOPLES BUILDING	690 SOUTH CHURCH STREET WEST CHESTER BOROUGH
PHILLIPS MEMORIAL HALL	700 SOUTH HIGH STREET WEST CHESTER BOROUGH
POETRY CENTER	823 SOUTH HIGH STREET WEST GOSHEN TOWNSHIP
RECITATION HALL	35 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
REYNOLDS HALL	650 REYNOLDS ALLEY WEST CHESTER BOROUGH
RUBY JONES HALL	50 UNIVERSITY AVENUE WEST CHESTER BOROUGH
SCHMIDT HALL (Residential)	225 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
SCHMUCKER PHASE I	730 SOUTH CHURCH STREET WEST CHESTER BOROUGH
SCHMUCKER PHASE II	750 SOUTH CHURCH STREET WEST CHESTER BOROUGH
SCIENCES AND ENGINEERING CENTER	155 UNIVERSITY AVENUE WEST CHESTER BOROUGH
SOMPAC	817 S. HIGH STREET WEST GOSHEN TOWNSHIP
SOUTH CAMPUS APTS (Residential)	833-852 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
STUDENT RECREATION CENTER	275 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH

STURZEBECKER HSC	855 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
SWOPE HOUSE	30 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
SYKES UNION	110 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
TANGLEWOOD	100 EAST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
TYSON HALL (Residential)	225 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
UNIVERSITY HALL (Residential)	180 UNIVERSITY AVENUE WEST CHESTER BOROUGH
VILLAGE APTS (Residential)	181-193 CAREY DRIVE EAST BRADFORD TOWNSHIP
WAYNE HALL	125 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH

Numerical Based University Property Addresses

13-15 UNIVERSITY AVENUE - WEST CHESTER BOROUGH
20 LINDEN STREET - WEST CHESTER BOROUGH
25 UNIVERSITY AVENUE - WEST CHESTER BOROUGH
114 WEST ROSEDALE AVENUE - WEST GOSHEN TOWNSHIP
210 WEST ROSEDALE AVENUE - WEST GOSHEN TOWNSHIP
220 WEST ROSEDALE AVENUE - WEST GOSHEN TOWNSHIP
624 SOUTH HIGH STREET - WEST CHESTER BOROUGH
701 SOUTH HIGH STREET - WEST CHESTER BOROUGH
809 ROSLYN AVENUE - WEST GOSHEN TOWNSHIP
887 SOUTH MATLACK STREET - WEST GOSHEN TOWNSHIP
850 SOUTH NEW STREET - EAST BRADFORD TOWNSHIP
201 CARTER DRIVE, SUITE 100 HUMAN RESOURCES
201 CARTER DRIVE, SUITE 200 FISCAL AFFAIRS
201 CARTER DRIVE, SUITE 300 FACILITIES DESIGN AND CONSTRUCTION
201 CARTER DRIVE, SUITE 400, DEPT. OF COMMUNICABLE DISORDERS
201 CARTER DRIVE, SUITE 500 FACILITIES MANAGEMENT/MAINTENANCE

Parking Garage and Parking Lot Address

PARKING LOT "A"	25 SHARPLESS STREET WEST CHESTER BOROUGH
SHARPLESS STREET GARAGE	25 SHARPLESS STREET WEST CHESTER BOROUGH
PARKING LOT "B"	652 REYNOLDS ALLEY WEST CHESTER BOROUGH
NEW STREET GARAGE	300 WEST NIELDS STREET WEST CHESTER BOROUGH
PARKING LOT "E"	715 SOUTH NEW STREET WEST CHESTER BOROUGH
PARKING LOT "G"	615 SOUTH HIGH STREET WEST CHESTER BOROUGH

PARKING LOT "H"	155 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
PARKING LOT "K"	101 NORFOLK AVENUE WEST GOSHEN TOWNSHIP
PARKING LOT "L"	804 ROSLYN AVENUE WEST GOSHEN TOWNSHIP
PARKING LOT "M" "M1" "M2"	818 SOUTH MATLACK STREET WEST GOSHEN TOWNSHIP
MATLACK STREET GARAGE	100 EAST CAMPUS DRIVE WEST GOSHEN TOWNSHIP
PARKING LOT "N"	855 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "O"	855 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "P"	875 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "Q"	883 SOUTH NEW STREET EAST BRADFORD TOWNSHIP
PARKING LOT "R"	20 STADIUM ROAD WEST GOSHEN TOWNSHIP
PARKING LOT "S"	842 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "T"	802 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
STUDENT REC GARAGE	275 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
PARKING AREA "X"	100 BLOCK CAREY DRIVE EAST BRADFORD TOWNSHIP
PARKING AREA "Y"	800 BLOCK S. CAMPUS DRIVE EAST BRADFORD TOWNSHIP
EAST VILLAGE PARKING	250 CAREY DRIVE EAST BRADFORD TOWNSHIP
PARKING LOT Z	721-731 SOUTH HIGH STREET WEST CHESTER BOROUGH

University Owned Streets

NORTH CAMPUS DRIVE	50 block of Linden St.
SOUTH CAMPUS DRIVE	600-700 Blocks South High Street
EAST CAMPUS DRIVE	50-200 Blocks Sharpless Street
STADIUM ROAD	600-800 Blocks South New Street
50-100 BLOCKS UNIVERSITY AVENUE	50-200 Blocks East Rosedale Avenue
	50-200 Blocks West Rosedale Avenue
	Reynolds Alley
	Sharon Alley
	Bayard Rustin Park
	Kathy McBratnie Park

Non-Campus Properties

614 South Walnut Street
626 South High Street



Security and Fire Report apply to the following campuses, West Chester University (Main Campus), the Graduate Center, and the Exton Campus, unless stated otherwise in the report.

All policy statements in the Annual

Public Properties

